

UNITED STATES DISTRICT COURT

Northern

District of

Utah

UNITED STATES OF AMERICA

V.

Timothy Brian Glenn

JUDGMENT IN A CRIMINAL CASE
(For Revocation of Probation or Supervised Release)

BY:

Case Number: DUTX 1:04-cr-000059-005

USM Number: 11488-081

Mary C. Corporon

Defendant's Attorney

THE DEFENDANT:

☒ admitted guilt to violation of condition(s) 1-6 of the term of supervision.

☐ was found in violation of condition(s) after denial of guilt.

The defendant is adjudicated guilty of these violations:

Violation Number	Nature of Violation	Violation Ended
1.	Failed to Submit to Drug Testing as Directed by the USPO	10/3/2008
2.	Tested Positive for Use of Methamphetamine	10/6/2008
3.	Failed to Notify Probation of Change of Employment	
4.	Failed to Report to the Probation Office and Submit Urinalysis	9/29/2008

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has not violated condition(s) and is discharged as to such violation(s) condition.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

Defendant's Soc. Sec. No.: _____

Defendant's Date of Birth: _____

Defendant's Residence Address: _____

1/7/2009

Date of Imposition of Judgment

Dee Benson

Signature of Judge

Dee Benson

Name of Judge

U.S. District Judge

Title of Judge

1/8/2009

Date

Defendant's Mailing Address: _____

DEFENDANT: Timothy Brian Glenn

CASE NUMBER: DUTX 1:04-cr-000059-005

ADDITIONAL VIOLATIONS

[illegible]

DEFENDANT: Timothy Brian Glenn
CASE NUMBER: DUTX 1:04-cr-000059-005

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of :
18 months.

- ☐ The court makes the following recommendations to the Bureau of Prisons:
- ☒ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the United States Marshal for this district:
- ☐ at _____ ☐ a.m. ☐ p.m. on _____
- ☐ as notified by the United States Marshal.
- ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
- ☐ before 2 p.m. on _____
- ☐ as notified by the United States Marshal.
- ☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____ with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Timothy Brian Glenn
CASE NUMBER: DUTX 1:04-cr-000059-005

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :
18 months.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is be a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Timothy Brian Glenn
CASE NUMBER: DUTX 1:04-cr-000059-005

SPECIAL CONDITIONS OF SUPERVISION

All previous conditions are reimposed. In addition, the Court orders the following special conditions:

1. The defendant shall reside in a residential reentry center under a Public Law placement for a period up to 90 days, with release for work, education, medical, religious services, treatment, or other approved release as deemed appropriate by the United States Probation Office. During this time the defendant shall enroll in a treatment program deemed appropriate by the probation office.

[COUNSEL LISTED ON SIGNATURE PAGES]

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH	
PHILLIP M. ADAMS & ASSOCIATES, L.L.C., a Utah Limited Liability Company, Plaintiff, vs. DELL INC., FUJITSU LIMITED, FUJITSU COMPUTER SYSTEMS CORP., MPC COMPUTERS, LLC, SONY ELECTRONICS INC., WINBOND ELECTRONICS CORP., ASUSTEK COMPUTER, INC., ASUS COMPUTER INTERNATIONAL, QUANTA COMPUTER, INC., QUANTA COMPUTER USA, INC., QUANTA MANUFACTURING, INC., MICRO-STAR INTERNATIONAL CORPORATION, LTD., MSI COMPUTER CORPORATION, and NATIONAL SEMICONDUCTOR CORPORATION, Defendants.	ORDER GRANTING STIPULATION AND JOINT MOTION REGARDING CONFIDENTIAL SUBMISSIONS TO THE MEDIATOR AND TO ALLOW DISCLOSURE OF ADAMS' INFRINGEMENT CONTENTIONS TO DEFENDANTS Civil No. 1:05-CV-64 TS The Honorable Ted Stewart Magistrate Judge David Nuffer
And Related Third-Party Claims.	

Based upon the Joint Motion and Stipulation of Phillip M. Adams & Associates, L.L.C.
("Plaintiff") and Defendants [Dkt. No. 686], and good cause appearing therefore, it is
ORDERED THAT:

1) the parties may submit confidential submissions to the mediator which discuss any
parties' information designated "Confidential" or "Confidential-Attorneys' Eyes Only" pursuant
to the Court's Protective Order entered on June 29, 2006, Dkt No. 122, as modified by the Court

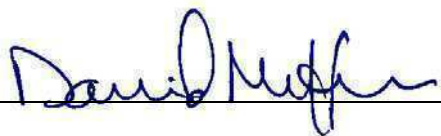
on January 22, 2008, Dkt. No. 428 (the “Protective Order”), which shall not alter, modify or amend any parties’ designation of those documents or information; and,

2) Defendants’ counsel may show their clients ADAMS’ NOTICE OF PRELIMINARY INFRINGEMENT CONTENTIONS AND CLAIM CHARTS AND INABILITY TO PREPARE FINAL INFRINGEMENT CONTENTIONS AND CLAIM CHARTS, Dkt No. 684 (“Adams’ Infringement Contentions”).

Statements and submissions made in the mediation are confidential settlement discussions. Any statements made or information disclosed to the mediator in private caucus is privileged and that disclosure cannot be compelled. All records, reports, or other documents prepared by the mediator or submitted to the mediator in confidence by any party are confidential, and disclosure cannot be compelled. The mediator shall not disclose any written submissions made to him to any other party in this Action nor to any third parties unless the submitting party consents. The disclosure to defendants of Adams’ Infringement Contentions shall not alter, modify or amend any parties’ designation of documents or information discussed in Adams’ Infringement Contentions and the parties and counsel shall continue to observe the requirements of the Court’s Protective Order regarding the designation of Adams’ Infringement Contentions, Dkt No. 684.

DATED this 7th day of January, 2009.

BY THE COURT:



CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served on the following using the Court's CM/ECF system, this 6th day of January, 2009.

Reginald J. Hill Joseph A. Saltiel Benjamin J. Bradford Jenner & Block 330 North Wabash Avenue Chicago, Illinois 60611 Tel: (312) 840-7224 rhill@jenner.com jsaltiel@jenner.com bbradford@jenner.com	Terry E. Welch Darren K. Nelson Parr Waddoups Brown Gee & Loveless 185 South State Street, Suite 1300 Salt Lake City, Utah 84111-1537 Tel: (801) 532-7840 tew@pwlaw.com dkn@pwlaw.com
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Attorneys for MPC Computers, LLC	

Kevin P. B. Johnson Todd M. Briggs Michael William Gray Quinn Emanuel Urquhart Oliver & Hedges 555 Twin Dolphin Drive, Suite 560 Redwood Shores, California 94065 Tel: (650) 801-5000 kevinjohnson@quinnemanuel.com toddbriggs@quinnemanuel.com michaelgray@quinnemanuel.com	Rick B. Hoggard Arthur B. Berger Ray Quinney & Nebeker P.C. 36 South State Street, Suite 1400 P.O. Box 45385 Salt Lake City, Utah 84145-0385 (801) 532-1500 rhoggard@rqn.com aberger@rqn.com
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J. Mark Gibb R. Stephen Marshall Durham Jones & Pinegar 111 E Broadway, Suite 900 Salt Lake City, Utah 84111 (801)415-3000 mgibb@djplaw.com utfedcourt@djplaw.com smarshall@djplaw.com	Todd E. Zenger Dax D. Anderson KIRTON & MCCONKIE 60 East South Temple Street Eagle Gate Tower Suite 1800 Salt Lake City, Utah 84111 (801) 328-3600 (801) 321-4893 fax tzenger@kmclaw.com danderson@kmclaw.com
Attorneys for Third-Party Defendant Asustek Computer and Asus Computer International	

<p>E. Robert Yoches Finnegan Henderson Farabow Garrett & Dunner 901 New York Avenue NW Washington, D.C. 20001-4413 Tel: (202) 408-4000 Fax: (202) 408-4400 bob.yoches@finnegan.com</p> <p>Steven H. Morrissett Gary C. Ma Finnegan Henderson Farabow Garrett & Dunner 3300 Hillview Avenue Palo Alto, CA 94304-1203 Tel: (650) 849-6600 Fax: (650) 849-6666 steven.morrissett@finnegan.com gary.ma@finnegan.com</p>	<p>Christopher B. Snow Jennifer A. James Neil A. Kaplan Clyde Snow Sessions & Swenson One Utah Center 13th Fl 201 S Main St Salt Lake City, Utah 84111-2216 Tel: (801) 322-2516 cbs@clydesnow.com jay@clydesnow.com nak@clydesnow.com</p>
Attorney for Third-Party Defendant Winbond Electronics Corporation	
<p>William L. LaFuze Richard R. Ruble Vinson & Elkins, LLP First City Tower 1001 Fannin Street, Suite 2500 Houston, Texas 77002-6760 Tel: (713) 758-2595 Fax: (713) 758-2346 wlafuze@velaw.com rruble@velaw.com</p> <p>Andy Ching-Yang Lai Theodore Lapus Law Offices of Lai & Associates, PC 5800 Ranchester Drive Suite 200 Houston, Texas 77036 Tel: (713) 988-5666 Fax: (713) 988-8846 alai@lailawus.com tlapus@lailawus.com egreiner@lailawus.com</p>	<p>Brent O. Hatch T. Parker Douglas Hatch James & Dodge 10 W. Broadway Suite 400 Salt Lake City, Utah 84101 Tel: (801) 363-6363 bhatch@hjdllaw.com pdouglas@hjdllaw.com</p>
Attorneys for MSI Computer Corporation, Micro-Star International Corporation, Ltd.	

<p>Terry D. Garnett Peter J. Weid Katherine Murray Paul, Hastings, Janofsky & Walker LLP 515 South Flower Street 25th floor Los Angeles, CA 90071 Tel: (213) 683-6000 Fax: (213) 627-0705 terrygarnett@paulhastings.com peterweid@paulhastings.com katherinemurray@paulhastings.com</p>	<p>David O' Seeley Andrew J. Sjoblom Holme Roberts & Owen LLP 299 South Main Street, Suite 1800 Salt Lake City, UT 84111 Tel: (801) 521-5800 Fax: (801) 521-9639 David.seeley@hro.com</p>
<p align="center">Attorneys for Quanta Computer, Inc., Quanta Computer, USA, Inc. Quanta Manufacturing, Inc.</p>	
<p>Brian E. Ferguson Weil Gotschall & Manges 1300 Eye Street N.W., Suite 900 Washington, D.C. 20005 (202) 682-7516 brian.ferguson@weil.com</p>	<p>Charles L. Roberts Matthew A. Barlow Workman Nydegger 1000 Eagle Gate Tower 60 East South Temple Salt Lake City, UT 84111 Tel: (801) 533-9800 Fax: (801) 328-1707 croberts@wnlaw.com orders@wnlaw.com</p>
<p align="center">Attorneys for National Semiconductor Corporation</p>	

/s/ J. Mark Gibb

FILED
U.S. DISTRICT COURT

2009 JAN -6 P 2:35

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, NORTHERN DIVISION

DISTRICT CLERK

BY: DEPUTY CLERK

UNITED STATES OF AMERICA,	:	Case No. 1:08CR0023 DS
	:	
Plaintiff,	:	
	:	
vs.	:	ORDER CONTINUING SENTENCING HEARING
	:	
DAWN MARIE HAMMER,	:	
	:	
Defendant.	:	Judge David Sam

Based upon the motion of the United States to continue the sentencing hearing scheduled for January 27, 2009, and with good cause appearing therefor,

It is hereby ORDERED that the sentencing hearing previously scheduled for January 27, 2009, is hereby continued to January 28,, 2009, at 2:00 P.M.

DATED this 6th day of January, 2009.



DAVID SAM
United States District Judge

HEATHER HARRIS (11186)
SCOTT C. WILLIAMS, L.L.C.
Attorney for Defendant
43 East 400 South
Salt Lake City, UT 84111
Telephone: (801) 220-0700
Facsimile: (801) 364-3232

FILED
U.S. DISTRICT COURT

2009 JAN -7 P 4:50

DISTRICT CLERK

BY: _____
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,	:	ORDER TO CONTINUE
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
LUWEN B. BELNAP,	:	Case No. 1:08 CR 00066
	:	
Defendant,	:	Honorable Magistrate Wells

Based upon Motion of Defendant, and good cause appearing therefor, this Court
HEREBY ORDERS that the sentencing be continued to

1/26/09 at 2:00 pm, Room 436

DATED this 7th day of January, 2009.



HONORABLE MAGISTRATE WELLS

FILED
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

RUBEN ROBERT PRIETO,

Defendant.

BY:

DEPUTY CLERK

CASE: 1:08-cr-00068

FINAL ORDER OF FORFEITURE

JUDGE: David Sam

WHEREAS, on October 15, 2008, this Court entered a Preliminary Order of Forfeiture, ordering the Defendant to forfeit the following assets:

- Intratec Model Tec 9 9mm handgun, Serial Number: 22053
- any associated ammunition

WHEREAS, the United States caused notice of the forfeiture of the Defendant property to appear on the government website www.forfeiture.gov for a period of 30 consecutive days, starting on October 17, 2008 and caused notice of the intent of the United States to dispose of the property in accordance with the law and as specified in the Preliminary Order, and further notifying all third parties of their right to petition the Court within thirty (30) days for a hearing to adjudicate the validity of their alleged legal interest in the property; and

WHEREAS, notice was served upon Ruben Robert Prieto; and

WHEREAS, no timely petition has been filed; and

WHEREAS, the Court finds that Defendant(s) had an interest in the property that is subject to forfeiture pursuant to 18 U.S.C. § 924(d)(1);

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that

- Intratec Model Tec 9 9mm handgun, Serial Number: 22053
- any associated ammunition


is hereby forfeited to the United States of America pursuant to 18 U.S.C. § 924(d)(1).

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all right, title and interest to the property described above is hereby condemned, forfeited and vested in the United States of America, and shall be disposed of according to law.

IT IS FURTHER ORDERED that the United States District Court shall retain jurisdiction in the case for the purpose of enforcing this Order

SO ORDERED; Dated this 6th day of ~~December~~ ^{January}, 2008.

BY THE COURT:


DAVID SAM, Judge
United States District Court

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

FILED IN UTAH
UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

JAN 07 2009

BY D. MARK JONES, CLERK
DEPUTY CLERK

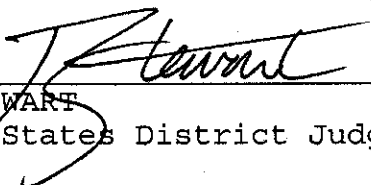
JEREMY M. BOWDEN,)
)
Plaintiff,) Case No. 1:08-CV-5
)
v.) District Judge Ted Stewart
)
STATE OF UTAH et al.,) O R D E R
)
Defendants.) Magistrate Judge David Nuffer

On December 3, 2008, the Court ordered Plaintiff to within thirty days show cause why his prisoner civil rights complaint should not be dismissed for failure to prosecute. In that order, the Court noted that the Court had not heard from Plaintiff since January 29, 2008, when he filed his initial partial filing fee. The order to show cause was returned, marked, "RETURN TO SENDER NO LONGER AT THIS ADDRESS." Plaintiff still has not otherwise contacted the Court.

IT IS THEREFORE ORDERED that Plaintiff's complaint is dismissed for failure to prosecute.¹

DATED this 7th day of January, 2009.

BY THE COURT:


TED STEWART
United States District Judge

¹See Fed. R. Civ. P. 41(b); Link v. Wabash R.R. Co., 370 U.S. 626, 630-31, 82 S. Ct. 1386, 1388-89 (1962); Olsen v. Mapes, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003).

FILED
U.S. DISTRICT COURT

2009 JAN -8 A 9:05

DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT

BY: CLERK

DISTRICT OF UTAH, CENTRAL DIVISION

CORY TOMNEY,

Plaintiff,

vs.

MICHAEL J. ASTRUE, Commissioner of the
Social Security Administration

Defendant.

AMENDED SCHEDULING ORDER

Civil No. 1:08cv0052-CW

Judge Clark Waddoups

The court establishes the following amended scheduling order in the above captioned case:

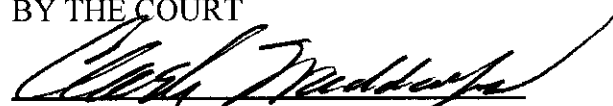
1. Plaintiff's motion for review of the Commissioner's decision and accompanying memorandum should be filed by January 9, 2009.

2. Defendant's memorandum in opposition should be filed by February 6, 2009.

3. Plaintiff may file a reply memorandum by February 23, 2009.

DATED this 7th day of January, 2009
~~December, 2008~~.

BY THE COURT


Honorable Clark Waddoups

Robert J. Fuller (#10061)
FULLER LAW OFFICE, LC
1090 North 5900 East
Eden, Utah 84310
Telephone (801) 745-3536
FULLERLAWYER@AOL.COM
Attorney for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, NORTHERN DIVISION**

CAROL-ANN FULLER, *et al.*,
Plaintiffs,

vs.

NATIONWIDE INSURANCE COMPANY,
Defendant.

**ORDER ON
STIPULATED MOTION TO EXTEND
TIME**

Case No. 1:08-CV-129

Judge Ted Stewart

Based on plaintiffs' Stipulated Motion to Extend Time, and for good cause otherwise appearing,

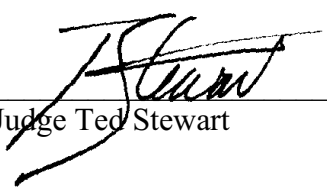
IT IS ORDERED:

1. Plaintiffs may respond to Nationwide's Motion to Dismiss First Amended Complaint on or before **January 7, 2009**.

2. Defendant may submit a Reply on or before **January 27, 2009**.

DATED this 8th day of January, 2009.

UNITED STATES DISTRICT COURT



Judge Ted Stewart

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

JAN 08 2009

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

BY D. MARK JONES, CLERK

DEPUTY CLERK

SUSAN COMBE, KRYSTEL FORTIE,
VALERIE KEYES, KRISTI
KLITGAARD, KARON HAROLDSON
MICHAEL MCLELLAND, JACLYN
MILLS, & JENNIFER PYLES,

Plaintiffs,

vs.

CINEMARK USA, INC.,

Defendant.

ORDER FOR PRO HAC VICE
ADMISSION OF
Y. ANNA SUH

Civil Action No. : 1:08-cv-00142

Judge Ted Stewart

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of DUCiv R 83-1.1(d), the motion for the admission pro hac vice of Y. Anna Suh in the United States District Court, District of Utah in the subject case is GRANTED.

Dated: this 7th day of January, 20 09.



Judge Ted Stewart
U.S. District Judge

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

JAN 08 2009

BY D. MARK JONES, CLERK
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

SUSAN COMBE, KRYSTEL FORTIE,
VALERIE KEYES, KRISTI
KLITGAARD, KARON HAROLDSON
MICHAEL MCLELLAND, JACLYN
MILLS, & JENNIFER PYLES,

Plaintiffs,

vs.

CINEMARK USA, INC.,

Defendant.

ORDER FOR PRO HAC VICE
ADMISSION OF
MICAHEL BRETT BURNS

Civil Action No. : 1:08-cv-00142

Judge Ted Stewart

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of DUCiv
R 83-1.1(d), the motion for the admission pro hac vice of Michael Brett Burns in the United States
District Court, District of Utah in the subject case is GRANTED.

Dated: this 7th day of January, 2009.



Judge Ted Stewart
U.S. District Judge

BRETT L. TOLMAN, United States Attorney (#8821)
JARED C. BENNETT, Assistant United States Attorney (#9097)
Attorneys for the United States of America
185 South State Street, Ste. 300
Salt Lake City, Utah 84111
Telephone: (801) 524-5682

RECEIVED CLERK

DEC 12 2008 2009 JAN -8 A 10:37

U.S. DISTRICT COURT DISTRICT OF UTAH

BY: DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, NORTHERN DIVISION

UNITED STATES OF AMERICA, :

Petitioner, :

v. :

RICHARD DAN LOCKWOOD, :
ALPINE DESIGN LANDSCAPES, LLC, :

Respondent. :

Case: 1:08cv00153

Assigned To : Benson, Dee

Assign. Date : 12/15/2008

Description: USA v Lockwood, et al

ORDER OF REFERRAL AND
ORDER TO SHOW CAUSE

Based on the United States' Petition to Enforce Internal Revenue Summons together with the exhibits attached thereto,

IT IS HEREBY ORDERED that this case is referred to the magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B)(3), and that Respondent Richard Dan Lockwood, Alpine Design Landscapes, LLC, shall appear before the United States District Court for the District of Utah, Central Division, presided over by United States Magistrate Judge David O. Nuffer, in his Courtroom, Room 477 U.S. Courthouse, 350 South Main Street, Salt Lake City, Utah, on the **18th day of February, 2009 at 10:00 a.m.**, to show cause why Respondent should not be compelled to testify or to produce the information required and called for by the terms of the Internal Revenue Service summons (including attachments thereto) directed to and served upon him.

The Magistrate Judge will hear the evidence and make a written recommendation to the undersigned judge for a proper disposition of the Petition.

IT IS FURTHER ORDERED that the United States Marshal or any Internal Revenue Service employee shall serve a copy of this Order together with the petition and exhibits thereto upon Respondent pursuant to Rule 4 of the Federal Rules of Civil Procedure or, if not feasible, by any other means reasonably calculated to notify Respondent of this action against him.

IT IS FURTHER ORDERED that within ten days after service of copies of this Order, the petition and exhibit attached thereto, Respondent shall file and serve a written response to the Petition, supported by appropriate sworn statements, as well as any motions he desires to make. All motions and issues raised by the pleadings will be considered on the return date of this Order.

Only those issues raised by motion or brought into controversy by the responsive pleadings and supported by sworn statements and filed within ten days after service of the herein described documents will be considered by the Court. All allegations in the petition not contested by such responsive pleadings or by sworn statements will be deemed admitted.

If Respondent, prior to the return date of this Order, files a notice of no opposition to this Order, stating that he does not oppose the relief sought in the petition nor wish to make an appearance, then the appearance of Respondent at any hearing held pursuant to this Order to Show Cause is excused. However, unexcused failure to appear will result in a warrant for Respondent's arrest.

DATED this 8th day of January 2008.

BY THE COURT:



District Judge
United States District Court

FILED
UNITED STATES DISTRICT COURT

Central

2009 JAN - 7

District of

Utah

UNITED STATES OF AMERICA

V.

JUDGMENT IN A CRIMINAL CASE

(For Revocation of Probation or Supervised Release)

BY:

CLERK

Anderson Yazzie Black

Case Number:

DUTX 2:02CR00067-001 TC

USM Number:

09339-081

Deirdre Gorman

Defendant's Attorney

THE DEFENDANT:

☒ admitted guilt to violation of condition(s) 1 and 2 of the Petition of the term of supervision.

☐ was found in violation of condition(s) _____ after denial of guilt.

The defendant is adjudicated guilty of these violations:

Violation Number

Nature of Violation

Violation Ended

1. The defendant was arrested or questioned by law enforcement officers on or about October 18, 2008, and failed to notify his probation officer within 72 hours of his arrest.
2. On or about October 18, 2008, the defendant committed another federal state or local crime, to wit: Battery.

The defendant is sentenced as provided in pages 2 through 3 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has not violated condition(s) _____ and is discharged as to such violation(s) condition.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

Defendant's Soc. Sec. No.: _____

Defendant's Date of Birth: _____

Defendant's Residence Address:

Defendant's Mailing Address:

01/06/2009

Date of Imposition of Judgment

Tena Campbell

Signature of Judge

Tena Campbell

Chief, United States District Court Judge

Name and Title of Judge

1-7-2009

Date

DEFENDANT: Anderson Yazzie Black
CASE NUMBER: 2:02CR00067-001 TC

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

The defendant's original term of supervised release is ordered REINSTATED with the original expiration date of March 2009.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is be a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Anderson Yazzie Black
CASE NUMBER: 2:02CR00067-001 TC

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall maintain full-time verifiable employment or be actively seeking full time employment, or participate in academic or vocational development throughout the term of supervision as deemed appropriate by the probation office.
2. The defendant shall participate in alcohol aftercare treatment under a co-payment plan as directed by the USPO, such as the Indian Walk-In Center or Alcoholics Anonymous
3. The defendant will submit to drug/alcohol testing as directed by the probation office, and pay a one-time \$115 fee to partially defer the costs of collection and testing. If deemed appropriate by the court and the probation office, the defendant will pay additional costs associated with confirmation testing of positive results.
4. The defendant shall not use or possess alcohol. The defendant shall not go to bars, or be around alcohol.
5. The defendant shall submit his person, residence, office, or vehicle to a search, conducted by a USPO at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.

UNITED STATES DISTRICT COURT

Central

District of

Utah

UNITED STATES OF AMERICA

V.

AMENDED JUDGMENT IN A CRIMINAL CASE

(For Revocation of Probation or Supervised Release)

Ryan Conrad Kidrick

Case Number:

DUTX 2:02CR00745 TC

USM Number:

10877-081

Tiffany Johnson

Defendant's Attorney

THE DEFENDANT:

☒ admitted guilt to violation of condition(s) 1, 2 and 3 of the Petition of the term of supervision.

☐ was found in violation of condition(s) _____ after denial of guilt.

The defendant is adjudicated guilty of these violations:

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Violation Ended</u>
1.	On 10/6/2008 the defendant submitted a urine sample, which tested positive for methamphetamine.	
2.	On 8/23/2008, 8/29/2008, 9/16/2008, 10/17/2008, 10/24/2008 and 11/3/2008 the defendant failed to submit to drug and/or alcohol testing, as directed by the USPO.	
3.	On 9/15/2008, 9/29/2008, 10/27/2008 and 11/3/2008, the defendant failed to attend substance-abuse treatment, as directed by the USPO.	

The defendant is sentenced as provided in pages 2 through 2 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has not violated condition(s) _____ and is discharged as to such violation(s) condition.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

Defendant's Soc. Sec. No.: _____

Defendant's Date of Birth: _____

Defendant's Residence Address: _____

Defendant's Mailing Address: _____

01/06/2009

Date of Imposition of Judgment

Tena Campbell

Signature of Judge

Tena Campbell

Chief, United States District Court Judge

Name and Title of Judge

1-7-2009

Date

DEFENDANT: Ryan Conrad Kidrich
CASE NUMBER: 2:02CR000745-001

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of :

3 Months, with NO TERM OF SUPERVISED RELEASE IMPOSED, following release from incarceration.

☐ The court makes the following recommendations to the Bureau of Prisons:

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

1 _____ with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH
JAN 08 2009
BY D. MARK JONES, CLERK
DEPUTY CLERK

WILLIAM F. HANSON (3620)
Assistant Utah Attorney General
MARK L. SHURTLEFF (4666)
Utah Attorney General
160 East 300 South, Sixth Floor
PO BOX 140856
Salt Lake City, Utah 84114-0856
Telephone: (801) 366-0100
Attorneys for Defendants Friel, Barnes, Cook,
Healey and Ray

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

JACQUES DUPREE MIRANDA,

Plaintiff,

vs.

STATE OF UTAH, et al.,

Defendants.

**ORDER EXTENDING TIME FOR
DEFENDANTS TO FILE REPLY
MEMORANDUM**

Case No. 2:03-CV-1097 TS


Judge Ted Stewart

Magistrate Judge David Nuffer

Defendants have filed a motion for an extension of time to file a reply memorandum in support of their motion for summary judgment (docket no. 132). Based on Defendants' motion, the grounds set forth therein and good cause shown,

IT IS HEREBY ORDERED that Defendants' motion is granted. They have to and including January 9, 2009, to file a reply memorandum in support of their motion for summary judgment.

Dated this 8th day of January, 2009.

BY THE COURT:

TED STEWART
United States District Judge

United States District Court
for the District of Utah

**Request and Order for Modifying Conditions of Supervision
With Consent of the Offender**
(Waiver of hearing attached)

Name of Offender: **Christopher Harry Mikesell**

Docket Number: **2:04-CR-00827-001-PGC** **TC**

Name of Sentencing Judicial Officer: **Honorable Paul G. Cassell**
United States District Judge

Date of Original Sentence: **July 20, 2005**

Original Offense: **Possession of Child Pornography**

Original Sentence: **46 months custody and 60 months supervised release**

Type of Supervision: **Supervised Release**

Supervision Began: **December 12, 2008**

PETITIONING THE COURT

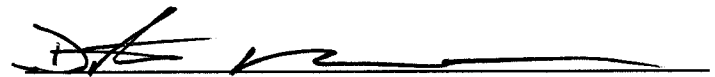
☒ To modify the conditions of supervision as follows:

The defendant may be allowed access to on-line computers located at the Division of Workforce Services for work search and employment-related purposes.

CAUSE

The defendant was ordered to have no access to any computer with on-line service without prior written approval of the Court. In the defendant's efforts to search for employment he has been unable to complete job applications, submit resumes, and communicate with prospective employers. It is respectfully requested that the defendant be allowed to access computers located at the Division of Workforce Service, which are monitored and in a controlled environment, will greatly assist the defendant in his efforts to search for and obtain employment.

I declare under penalty of perjury that the foregoing is true and correct.

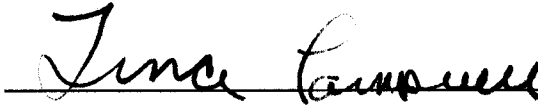


Dusten Russell, U.S. Probation Officer

Date: January 5, 2009

THE COURT ORDERS:

- ☒ The modification of conditions as noted above
☐ No action
☐ Other



Honorable Tena Campbell
Chief United States District Judge

Date: 1-7-2009

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
PROBATION AND PRETRIAL SERVICES OFFICE**

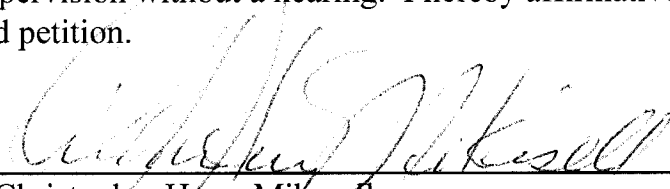
**WAIVER OF RIGHT TO HEARING PRIOR TO
MODIFICATION OF CONDITIONS OF SUPERVISION**

I have been advised by United States Probation Officer Dusten Russell that he/she has submitted a petition and report to the Court recommending that the Court modify the conditions of my supervision in Case No.2:04-CR-00827-001-PGC. The modification would be:

The defendant may be allowed access to on-line computers located at the Division of Workforce Services for work search and employment-related purposes.

I understand that should the Court so modify my conditions of supervision, I will be required to abide by the new condition(s) as well as all conditions previously imposed. I also understand the Court may issue a warrant and revoke supervision for a violation of the new condition(s) as well as those conditions previously imposed by the Court. I understand I have a right to a hearing on the petition and to prior notice of the date and time of the hearing. I understand that I have a right to the assistance of counsel at that hearing.


Understanding all of the above, I hereby waive the right to a hearing on the probation officer's petition, and to prior notice of such hearing. I have read or had read to me the above, and I fully understand it. I give full consent to the Court considering and acting upon the probation officer's petition to modify the conditions of my supervision without a hearing. I hereby affirmatively state that I do not request a hearing on said petition.



Christopher Harry Mikesell

1-5-09

Date



Witness: Dusten Russell
United States Probation Officer

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION**

HARSHAD P. DESAI,

Plaintiff,

v.

**PANGUITCH MAIN STREET, INC.;
AND PANGUITCH CITY
CORPORATION,**

Defendants.

ORDER

Case No. 2:04-cv-691-DAK-PMW

District Judge Dale A. Kimball

Magistrate Judge Paul M. Warner

This case has been referred to Magistrate Judge Paul M. Warner by District Judge Dale A. Kimball pursuant to 28 U.S.C. § 636(b)(1)(B).¹ Before the court is Harshad P. Desai's ("Plaintiff") motion to (1) consider an administrative court decision that has not yet been issued; (2) begin the trial in this case in February or March 2009 or hold the trial until at least July 2009; and (3) consolidate an administrative court case with this case.² The court will address Plaintiff's requests in turn.

First, Plaintiff's asks the court to consider an administrative court decision that has not yet been issued. Because the decision Plaintiff references has not yet been issued, Plaintiff's request is not ripe for decision. Put another way, until the decision is indeed issued, any request for this court to consider it is premature. Accordingly, Plaintiff's motion to consider the

¹ See docket no. 65.

² See docket no. 66.

unissued administrative court decision is **DENIED**, without prejudice. If and when that decision is issued, Plaintiff may move the court to consider it at that time.

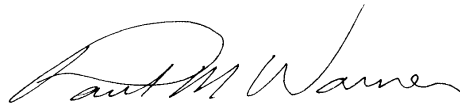
Second, Plaintiff asks the court to begin the trial in this case in February or March 2009 or hold the trial until at least July 2009. On December 30, 2008, the court entered a scheduling order setting the trial in this case to begin on November 18, 2009.³ Consequently, Plaintiff's motion with respect to trial scheduling has been rendered **MOOT**.

Finally, Plaintiff asks this court to consolidate an administrative court case with the instant case. Under rule 42(a) of the Federal Rules of Civil Procedure, this court has the authority to consolidate cases, but only those cases "*before the court* involv[ing] a common question of law or fact." Fed. R. Civ. P. 42(a) (emphasis added); *see also Xiangyuan Zhu v. Countrywide Realty Co.*, 160 F. Supp. 2d 1210, 1227 (D. Kan. 2001) (denying the plaintiff's motion to consolidate state cases with federal case). Because the administrative case that Plaintiff references is not "before the court," Fed. R. Civ. P. 42(a), the court cannot consolidate that case with the instant case. Therefore, Plaintiff's motion to consolidate is **DENIED**.

IT IS SO ORDERED.

DATED this 8th day of January, 2009.

BY THE COURT:



PAUL M. WARNER
United States Magistrate Judge

³ See docket no. 68.

United States District Court
for the District of Utah

**Request and Order for Modifying Conditions of Supervision
With Consent of the Offender**
(Waiver of hearing attached)

RECEIVED

OFFICE OF
JUDGE TENA CAMPBELL

Name of Offender: **Kenneth King**

Docket Number: **2:06-CR-00383-001 TC**

Name of Sentencing Judicial Officer: **Honorable Tena Campbell**
Chief United States District Judge

Date of Original Sentence: **June 20, 2007**

Original Offense: **Possession of an Unregistered Shotgun**

Original Sentence: **27 Months BOP/ 24 Months Supervised Release**

Type of Supervision: **Supervised Release**

Supervision Began: **December 30, 2008**

U.S. DISTRICT COURT
2009 JAN -7
BY: DEPUTY CLERK
2:45

PETITIONING THE COURT

☒ To modify the conditions of supervision as follows:

The defendant will submit to drug/alcohol testing as directed by the probation office, and pay a one-time \$115 fee to partially defray the costs of collection and testing.

CAUSE

The defendant has a history of drug abuse and has an existing condition to attend drug and alcohol treatment.

I declare under penalty of perjury that the foregoing is true and correct

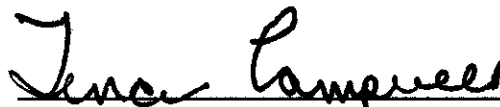


Anrico Delray, U.S. Probation Officer

Date: January 6, 2009

THE COURT ORDERS:

- ☒ The modification of conditions as noted above
☐ No action
☐ Other



Honorable Tena Campbell
United States District Judge

Date: **1-7-2009**

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
PROBATION AND PRETRIAL SERVICES OFFICE**

**WAIVER OF RIGHT TO HEARING PRIOR TO
MODIFICATION OF CONDITIONS OF SUPERVISION**

I have been advised by United States Probation Officer Anrico Delray that he/she has submitted a petition and report to the Court recommending that the Court modify the conditions of my supervision in Case No.2:06-CR-00383-001 TC. The modification would be:

The defendant will submit to drug/alcohol testing as directed by the probation office, and pay a one-time \$115 fee to partially defray the costs of collection and testing.

I understand that should the Court so modify my conditions of supervision, I will be required to abide by the new condition(s) as well as all conditions previously imposed. I also understand the Court may issue a warrant and revoke supervision for a violation of the new condition(s) as well as those conditions previously imposed by the Court. I understand I have a right to a hearing on the petition and to prior notice of the date and time of the hearing. I understand that I have a right to the assistance of counsel at that hearing.


Understanding all of the above, I hereby waive the right to a hearing on the probation officer's petition, and to prior notice of such hearing. I have read or had read to me the above, and I fully understand it. I give full consent to the Court considering and acting upon the probation officer's petition to modify the conditions of my supervision without a hearing. I hereby affirmatively state that I do not request a hearing on said petition.



Kenneth King

11/6/09

Date



Witness: Anrico Delray
United States Probation Officer

RECEIVED
FILED
U.S. DISTRICT COURT

2009 JAN -8 A 10:30

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

DEPUTY CLERK

UNITED STATES OF AMERICA,

Plaintiff,

v.

JEFFREY F. GEDDES,

Defendant.

Case #: 2:06CR00726-TC

ORDER TO CONTINUE
FORFEITURE HEARING AND
SENTENCING

JUDGE TENA CAMPBELL

IT IS HEREBY ORDERED that:

The Joint Motion for Continuance of the Forfeiture Hearing is granted;

The forfeiture and restitution hearing of January 9, 2009, in this case is continued to the
26th day of January, 2009, at 10:00 A M; and

The sentencing hearing of Defendant Jeffrey F. Geddes set for January 26, 2009, is reset
and continued to the 17th day of February, 2009, at 3:30 p M.

DATED this 7 day of January, 2009.

BY THE COURT:

Tena Campbell

TENA CAMPBELL, Chief Judge
United States District Court

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID PINON HERNANDEZ,

Defendant.

Case # 2:06-CR-774 TS

FINAL ORDER OF FORFEITURE

JUDGE: Ted Stewart

WHEREAS, on July 30, 2008, this Court entered a Preliminary Order of Forfeiture, ordering the Defendant to forfeit the Interarms A-80, 9 mm Semi-Automatic Handgun, Serial Number: 1270408.; and

WHEREAS, the United States caused to be published on the government website www.forfeiture.gov notice of this forfeiture and of the intent of the United States to dispose of the property in accordance with the law and as specified in the Preliminary Order, and further notifying all third parties of their right to petition the Court within thirty (30) days for a hearing to adjudicate the validity of their alleged legal interest in the property; and

WHEREAS, notice was served upon David Pinon Hernandez; and

WHEREAS, no timely petition has been filed; and

WHEREAS, the Court finds that Defendant had an interest in the property that is subject to forfeiture pursuant to 18 U.S.C. § 924(d);

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that

- Interarms A-80, 9 mm Semi-Automatic Handgun, Serial Number:
1270408


is hereby forfeited to the United States of America pursuant to 18 U.S.C. § 924(d).

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all right, title and interest to the property described above is hereby condemned, forfeited and vested in the United States of America, and shall be disposed of according to law.

IT IS FURTHER ORDERED that the United States District Court shall retain jurisdiction in the case for the purpose of enforcing this Order.

SO ORDERED; Dated this 7th day of January, 2009.

BY THE COURT:



TED STEWART, Judge
United States District Court

JAN 08 2009

D. MARK JONES, CLERK
BY _____
DEPUTY CLERK

Gregory G. Skordas (#3865)
Chad D. Noakes (#11937)
SKORDAS, CASTON & HYDE, LLC
341 So. Main Street, Suite 303
Salt Lake City, UT 84111
Telephone: (801) 531-7444
Facsimile: (801) 531-8885
Attorneys for Defendant

**In The United States District Court
District of Utah, Central Division**

UNITED STATES,

Plaintiff,

-v-

JERALD THOMAS KNIGHT,

Defendant.

**ORDER ON MOTION TO CONTINUE
TRIAL DATE AND EXCLUDE TIME
FROM SPEEDY TRIAL ACT
COMPUTATION,
18 U.S.C. § 3160**

Case No. 2:07 CR 14 DB

Judge Dee Benson

Based upon the motion of the Defendant to continue the trial date in this matter
and for good cause appearing,

IT IS HEREBY ORDERED:

1. The jury trial currently set for January 12, 2008, is stricken.
2. For the reasons stated in the Defendant's motion, the Court finds that the
ends of justice served by granting the requested continuance outweigh the best interest
of the public and the Defendant in a speedy trial and therefore, the time is excluded

from the computation of time required under the Speedy Trial Act, pursuant to 18 U.S.C.
§ 3161(h)(8)(A).

ENTERED this 8 day of Jan, 2009.

BY THE COURT:

Dee Benson

Honorable Dee Benson
United States District Court

~~***~~ TRIAL cont to 4/13/09 @ 8:30 AM ***

CERTIFICATE OF SERVICE

I hereby certify that on the 29th of December, 2008, I electronically submitted a true and correct copy of the foregoing MOTION TO STRIKE ORDER FOR PRE-PLEA PRESENTENCE REPORT, CONTINUE TRIAL DATE AND APPOINT INVESTIGATOR, along with the accompanying MEMORANDUM OF POINTS AND AUTHORITIES and proposed ORDER TO CONTINUE TRIAL DATE and ORDER OF APPOINTMENT OF INVESTIGATOR to:

Cecelia Swainston - cecelia.swainston2@usdoj.gov

Karin Fojtik - karin.fojtik@usdoj.gov

Todd A. Utzinger - todd.utzingerlaw@integra.net

/s/ Charlotte L. Bostwick

Skordas, Caston & Hyde

**United States District Court
for the District of Utah**

RECEIVED

**Second Amended Petition
Offender Under Supervision**

JAN 17 2008
on
OFFICE OF
JUDGE TENA CAMPBELL

Name of Offender: **George Reynoldo Davila, Jr.** Docket Number: **2:07-CR-00029-003-TC**

Name of Sentencing Judicial Officer: **Honorable Tena Campbell**
Chief United States District Judge

Date of Original Sentence: **September 19, 2007**

Original Offense: **Conspiracy, Health Care Fraud, and Aggravated Identity Theft**

Original Sentence: **12 Months and one day Bureau of Prisons custody/36 Months Supervised Release**

Type of Supervision: **Supervised Release** Supervision Began: **February 20, 2008**

PETITIONING THE COURT

☒ To amend the petition of May 5, 2008, as follows:

CAUSE

Allegations on May 5, 2008, petition:

The probation officer believes that the offender has violated the conditions of supervision as follows:

Allegation No. 1: The Defendant failed to notify his probation officer ten days prior to a change in residence. Specifically, on or before April 10, 2008, the defendant left his last known residence in Salt Lake City, Utah, and his whereabouts are currently unknown.

Evidence in support of this allegation includes statements from the defendant's relatives who resided with him at his last known address.

Allegation No. 2: On March 13, 18, 26 and 31, and April 2, 10, 18, and 21, 2008, the defendant failed to submit to drug testing as directed by the probation office.

Evidence in support of this allegation includes records from the ACES drug testing facility.

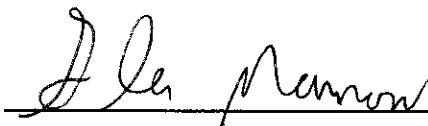
FILED
U.S. DISTRICT COURT
2009 JAN -7 P 2:45
DISTRICT CLERK
BY: [signature]

Additional allegation(s):

Allegation No. 3: On May 19, 2008, the defendant was convicted of another federal, state, or local crime, to wit: Avoiding Apprehension, a Class A Misdemeanor, in the Second District Court, Ogden, Utah (Case Number 081901024).

Evidence in support of this allegation includes records from the Second District Court, Ogden, Utah, for Case Number 081901024.

I declare under penalty of perjury that the foregoing is true and correct.

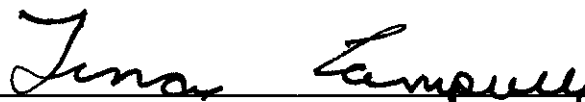


Glen Manross, U.S. Probation Officer

Date: January 5, 2009

THE COURT ORDERS:

- ☒ That the original petition be amended to include the defendant's full name
- ☐ No action
- ☐ Other



Honorable Tena Campbell
Chief United States District Judge

Date:

1-7-2009

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
PROBATION AND PRETRIAL SERVICES OFFICE**

Memorandum

DATE: January 6, 2009
TO: Honorable Tena Campbell, Chief United States District Judge
FROM: Glen Manross, ⁶³United States Probation Officer
SUBJECT: George Reynoldo Davila, Jr.

RECEIVED
JAN 7 2009
OFFICE OF
JUDGE TENA CAMPBELL

Attached is the second amended petition on George Reynoldo Davila, Jr. The above-listed defendant has completed a state sentence for Avoiding Apprehension, a Class A Misdemeanor. He has appeared in Magistrate Court on the original two allegations contained in the petition dated May 5, 2008. The additional allegation herein reflects the defendant's conviction for Avoiding Apprehension. If Your Honor has any questions or desires another course of action, this officer may be contacted at (801) 535-2780.

**Report and Order Terminating Supervised Release
Prior to Original Expiration Date****UNITED STATES DISTRICT COURT**

for the

BY: _____
DEPUTY CLERK**DISTRICT OF UTAH**

UNITED STATES OF AMERICA

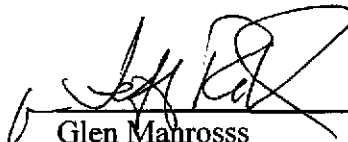
v.

Criminal No. 2:07-CR-00048-001-DS

Gregory C. Hyde

On June 5, 2007, the above-named defendant was placed on probation for a period of three years. The defendant has complied with the rules and regulations of probation, and is no longer in need of supervision. It is accordingly recommended that the defendant be discharged from supervision.

Respectfully submitted,



Glen Mahross
United States Probation Officer

Pursuant to the above report, it is ordered that the defendant be discharged from supervision and that the proceedings in the case be terminated.

Dated this 6th day of January, 2009.



Honorable David Sam
Senior United States District Judge

FILED
U.S. DISTRICT COURT

2009 JAN -8 A 10:37

DISTRICT OF UTAH

BY: DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JENNIFER DENISE WARFIELD,

Defendant.

: Case No. 2:07CR00223 DB
:
: ORDER GRANTING LEAVE OF
: COURT TO FILE A DISMISSAL OF
: THE INDICTMENT
:
: JUDGE DEE BENSON

Based upon the motion of the United States of America and for good cause appearing, it is hereby ORDERED that the Indictment pending against the defendant in this matter is dismissed with prejudice.

DATED this 7 day of JANUARY, 2008.

BY THE COURT:



DEE BENSON
United States District Judge

UNITED STATES DISTRICT COURT

Central

District of

Utah

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

V.

DISTRICT OF UTAH

Gerald Wayne Burgie

BY:

DEPUTY CLERK

Case Number:

DUTX 2:07CR00802-001 TC

USM Number:

15050-081

Stephen McCaughey

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) One of the Indictment

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 USC § 2252A	Possession of Child Pornography		1

The defendant is sentenced as provided in pages 2 through 10 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____

☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

01/06/2009

Date of Imposition of Judgment

Tena Campbell

Signature of Judge

Tena Campbell

Chief, United States District Court Judge

Name and Title of Judge

1-8-2009

Date

DEFENDANT: Gerald Wayne Burgie
CASE NUMBER: 2:07CR00802-001 TC

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

60 Months

☐ The court makes the following recommendations to the Bureau of Prisons:

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____.

☐ as notified by the United States Marshal.

☒ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☒ before 12:00 p.m. on 02/20/2009.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Gerald Wayne Burgie
CASE NUMBER: 2:07CR00802-001 TC

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

120 Months

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☒ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☒ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Gerald Wayne Burgie
CASE NUMBER: 2:07CR00802-001 TC

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant is to inform any employer or prospective employer of his current conviction and supervision status.
2. The defendant shall not possess or use a computer with access to any 'on-line computer service' without the prior written approval of the Court or probation officer. This includes any Internet service provider, bulletin board system, or any other public or private computer network. Any approval by the Court shall be subject to the conditions set by the Court or the probation office. In addition, the defendant shall: (A) Not possess or use any public or private data encryption technique or program and (B) Consent to having installed on the defendant's computer(s) hardware or software systems to monitor computer usage.
3. As directed by the probation office, the defendant shall maintain a daily log of all addresses accessed via personal computer(s) or other computer(s) used (other than for authorized employment). This log is to be made available to the probation office upon request.
4. The Court orders that the presentence report may be released to the state sex offender registration agency if required for purposes of sex offender registration.
5. The defendant shall participate in a sex-offender treatment program as directed by the probation office.
6. The defendant is restricted from visitation with individuals who are under 18 years of age without adult supervision as approved by the probation office.
7. The defendant shall not view or otherwise access pornography in any format.
8. The defendant shall submit his person, residence, office, or vehicle to a search, conducted by the United States Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.
9. The defendant shall participate in the Computer Restriction and Monitoring Program under a copayment plan. The defendant shall comply with the provisions outlined in the *Limited Internet Access Agreement*.

DEFENDANT: Gerald Wayne Burgie
CASE NUMBER: 2:07CR00802-001 TC

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$ 10,000.00	\$

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
----------------------	--------------------	----------------------------	-------------------------------

TOTALS	\$ _____ 0	\$ _____ 0
---------------	------------	------------

☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Gerald Wayne Burgie
CASE NUMBER: 2:07CR00802-001 TC

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than _____, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:
Fine payments shall begin immediately.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Pages 7 - 10

are the
Statement of Reasons,
which will be docketed
separately as a sealed
document

DAVID V. FINLAYSON (6540)
ATTORNEY FOR DEFENDANT
43 East 400 South
Salt Lake City, Utah 84111
Telephone: (801) 220-0700
Facsimile: (801) 364-3232

FILED
U.S. DISTRICT COURT

2009 JAN -8 A 9:05

DISTRICT OF UTAH

BY: CLERK

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,	:	ORDER TO CONTINUE
	:	JURY TRIAL
Plaintiff,	:	
	:	
-v-	:	
	:	2:07 CR 817
MANUEL GILBERTO JIMENEZ,	:	Case No. 2:07 CR 890
	:	
Defendant,	:	JUDGE CLARK WADDOUPS

Based upon Motion of Defendant, and good cause appearing therefor, this Court
HEREBY ORDERS that the jury trial be continued to the 23rd day of
March, 2009. The additional time is excluded from
calculation pursuant to the Speedy Trial Act as the ends of justice are served by the continuance
outweighs the public's and defendant's interests in speedy trial. 18 U.S.C. § 3161(h)(8)(A).

DATED this 7th day of January, 2009.


HONORABLE JUDGE WADDOUPS

DAVID V. FINLAYSON (6540)
ATTORNEY FOR DEFENDANT
43 East 400 South
Salt Lake City, Utah 84111
Telephone: (801) 220-0700
Facsimile: (801) 364-3232

FILED
U.S. DISTRICT COURT

2009 JAN -8 A 9:05

DISTRICT OF UTAH

BY: CLERK

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,	:	ORDER TO CONTINUE
	:	JURY TRIAL
Plaintiff,	:	
	:	
-v-	:	
	:	
MANUEL GILBERTO JIMENEZ,	:	2:07 CR 817
	:	Case No. 2:07 CR 890
Defendant,	:	JUDGE CLARK WADDOUPS

Based upon Motion of Defendant, and good cause appearing therefor, this Court
HEREBY ORDERS that the jury trial be continued to the 23rd day of
March, 2009. The additional time is excluded from
calculation pursuant to the Speedy Trial Act as the ends of justice are served by the continuance
outweighs the public's and defendant's interests in speedy trial. 18 U.S.C. § 3161(h)(8)(A).

DATED this 7th day of January, 2009.


HONORABLE JUDGE WADDOUPS

Edwin S. Wall (7446)
Jon D. Williams (8318)
341 South Main Street, Ste. 406
Salt Lake City, Utah 84111
Telephone: (801) 523-3445
Facsimile: (801) 746-5613
Electronic Notice: wallsec@xmission.com

FILED
U.S. DISTRICT COURT

2009 JAN -7 P 2:46

DISTRICT OF UTAH

BY: DEPUTY CLERK

RECEIVED

OFFICE OF
JUDGE TENA CAMPBELL

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

VERDO TADAO THOMAS,

Defendants.

)
) Case No. 2:07-CR-919 TC
)
)
)
)
)
)
)
)
)
)

Chief Judge Tena Campbell

ORDER CONTINUING SENTENCING DATE

BASED UPON the motion of the Defendant, there being no objection from the Government,
good cause having been shown, the Court enters the following Order:

1. Sentencing scheduled for January 13, 2009, is hereby stricken;

2. Sentencing is rescheduled for 2/17/2009, 2009, at the hour of 2:30 pm

DATED this 1 day of January, 2009.

BY THE COURT:

Tena Campbell

Tena Campbell

United States District Court Judge

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

CLEARONE COMMUNICATIONS, INC.,

Plaintiff,

vs.

ANDREW CHIANG; JUN YANG; LONNY
BOWERS; WIDEBAND SOLUTIONS,
INC.; VERSATILE DSP, INC.; and BIAMP
SYSTEMS CORPORATION,

Defendants.

ORDER

Case No. 2:07-CV-37-TC

Plaintiff ClearOne Communications, Inc. (ClearOne) filed a Motion for Entry of Preliminary Injunction Order (Docket # 1372) along with a Motion to Expedite Motion for Entry of Preliminary Injunction Order (Docket # 1373). The court understands that ClearOne and the Wideband Defendants have reached an impasse concerning drafting of a proposed order that the court requested during the December 16, 2008 hearing.

Accordingly, the court ORDERS that the Wideband Defendants may file their own version of a proposed order, along with a brief responding to substantive issues raised in ClearOne's Motion for Entry of Preliminary Injunction Order, but **such proposed order and pleading must be filed no later than Tuesday, January 20, 2009**. Any brief submitted by the Wideband Defendants **shall not exceed the page limits allowed by the local rules**. No extension of time to respond will be granted. No leave to file an overlength memorandum will

be granted. No reply from ClearOne is necessary.

After January 20, 2009, regardless of whether the Wideband Defendants have filed a proposed order or response, the court will consider the relevant filings and the transcript from the December 8, 2008 hearing and issue a written order.

Based on the ruling above, the court GRANTS IN PART AND DENIES IN PART ClearOne's Motion to Expedite (#1373). The Motion for Entry (#1372) is taken under advisement at this stage.

SO ORDERED this 8th day of January, 2009.

BY THE COURT:

A handwritten signature in black ink that reads "Tena Campbell". The signature is written in a cursive, flowing style.

TENA CAMPBELL
Chief Judge

Attorneys for Plaintiffs Sunshade Enclosures, LLC, David G. Weaver and Equinox Manufacturing, LLC

SUNSHADE ENCLOSURES, LLC,)	
DAVID G. WEAVER and EQUINOX)	
MANUFACTURING, LLC,)	SCHEDULING ORDER AND
)	ORDER VACATING HEARING
Plaintiffs,)	
)	
v.)	
)	
)	Civil No. 2:07-cv-135
VERGOLA (USA), Inc., a California)	
corporation,)	Judge Clark Waddoups
)	
Defendant.)	

IT IS ORDERED that the Initial Pretrial Hearing set for February 4, 2009, at 10:30 A.M. is VACATED.

DATE _____

a.	Was Rule 26(f)(1) Conference held?	<u>01/02/09</u>
b.	Has Attorney Planning Meeting Form been submitted?	<u>01/07/09</u>

c. 26(a)(1) initial disclosure will be completed 01/30/09

2.	DISCOVERY LIMITATIONS	<u>NUMBER</u>
a.	Maximum Number of Depositions by Plaintiff(s)	<u>10</u>
b.	Maximum Number of Depositions by Defendant(s)	<u>10</u>
c.	Maximum Number of Hours for Each Deposition (unless extended by agreement of parties)	<u>7</u>
d.	Maximum Interrogatories by any Party to any Party	<u>40</u>
e.	Maximum requests for admissions by any Party to any Party	<u>Unlimited</u>
f.	Maximum requests for production by any Party to any Party	<u>Unlimited</u>
		<u>DATE</u>
3.	AMENDMENT OF PLEADINGS/ADDING PARTIES²	
a.	Last Day to File Motion to Amend Pleadings	<u>06/15/09</u>
b.	Last Day to File Motion to Add Parties	<u>06/15/09</u>
4.	RULE 26(a)(2) REPORTS FROM EXPERTS³	
a.	Plaintiff	<u>11/16/09</u>
b.	Defendant	<u>12/15/09</u>
c.	Counter reports	<u>01/15/10</u>
5.	OTHER DEADLINES	
a.	Discovery to be completed by:	
	Fact discovery	<u>10/15/09</u>
	Expert discovery	<u>02/15/10</u>
b.	(optional) Final date for supplementation of disclosures and discovery under Rule 26 (e)	<u>00/00/00</u>
c.	Deadline for filing dispositive or potentially dispositive motions	<u>03/30/10</u>

6. SETTLEMENT/ ALTERNATIVE DISPUTE RESOLUTION

- | | | | |
|----|---------------------------------------|-----------|-----------------|
| a. | Referral to Court-Annexed Mediation | <u>No</u> | |
| b. | Referral to Court-Annexed Arbitration | <u>No</u> | |
| c. | Evaluate case for Settlement/ADR on | | <u>06/15/10</u> |
| d. | Settlement probability: | | <u>fair</u> |

7. TRIAL AND PREPARATION FOR TRIAL:

- | | | | |
|----|---|---------------|----------------------------------|
| a. | Rule 26(a)(3) Pretrial Disclosures ⁴ | | |
| | Plaintiff | | 07/02/10 |
| | Defendant | | 07/16/10 |
| b. | Objections to Rule 26(a)(3) Disclosures
(if different than 14 days provided in Rule) | | |
| | | | <u>DATE</u> |
| c. | Special Attorney Conference ⁵ on or before | | 07/30/10 |
| d. | Settlement Conference ⁶ on or before | | 07/30/10 |
| e. | Final Pretrial Conference | 2:30 p.m. | 08/16/10 |
| f. | Trial | <u>Length</u> | <u>Time</u> <u>Date</u> |
| | i. Bench Trial | <u># days</u> | _____ |
| | ii. Jury Trial | <u>8 days</u> | <u>8:30 a.m.</u> <u>08/30/10</u> |

8. OTHER MATTERS:

Counsel should contact chambers staff of the District Judge regarding Daubert and Markman motions to determine the desired process for filing and hearing of such motions. All such motions, including Motions in Limine should be filed well in advance of the Final Pre Trial. Unless otherwise directed by the court, any challenge to the qualifications of an expert or the reliability of expert testimony under Daubert must be raised by written motion before the final pre-trial conference.

Dated this 8th day of January, 2009.

BY THE COURT:


David Nuffer
U.S. Magistrate Judge

1. The Magistrate Judge completed Initial Pretrial Scheduling under DUCivR 16-1(b) and DUCivR 72-2(a)(5). The name of the Magistrate Judge who completed this order should NOT appear on the caption of future pleadings, unless the case is separately referred to that Magistrate Judge. A separate order may refer this case to a Magistrate Judge under DUCivR 72-2 (b) and 28 USC 636 (b)(1)(A) or DUCivR 72-2 (c) and 28 USC 636 (b)(1)(B). The name of any Magistrate Judge to whom the matter is referred under DUCivR 72-2 (b) or (c) should appear on the caption as required under DUCivR10-1(a).
2. Counsel must still comply with the requirements of Fed. R. Civ. P. 15(a).
3. A party shall disclose the identity of each testifying expert and the subject of each such expert's testimony at least 60 days before the deadline for expert reports from that party. This disclosure shall be made even if the testifying expert is an employee from whom a report is not required.
4. Any demonstrative exhibits or animations must be disclosed and exchanged with the 26(a)(3) disclosures.
5. The Special Attorneys Conference does not involve the Court. Counsel will agree on voir dire questions, jury instructions, a pre-trial order and discuss the presentation of the case. Witnesses will be scheduled to avoid gaps and disruptions. Exhibits will be marked in a way that does not result in duplication of documents. Any special equipment or courtroom arrangement requirements will be included in the pre-trial order.
6. The Settlement Conference does not involve the Court unless a separate order is entered. Counsel must ensure that a person or representative with full settlement authority or otherwise authorized to make decisions regarding settlement is available in person or by telephone during the Settlement Conference.

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

FILED
U.S. DISTRICT COURT

2009 JAN -8 P 4:39

DISTRICT OF UTAH

BY: _____
DEPUTY CLERK

JOHN AND TAMARA TOLMAN, et al.,

Plaintiffs,

v.

RUBBERMAID, INC.,

Defendant.

**ORDER DENYING MOTION TO
QUASH SUBPOENA**

Case No. 2:07-cv-00277 CW

Judge Clark Waddoups

The matter before the Court is the Motion of Wasatch Women's Center to Quash Subpoena. Wasatch Women's Center is not a party in this action, but is represented by Counsel for Raquel Case who is a party in this action. Wasatch Women's Center provided medical services to Ms. Case and purported to claim the physician-patient privilege on her behalf. For the reasons stated on the record at the January 8, 2009 hearing, it is hereby ORDERED

1. The Motion of Wasatch Women's Center to Quash Subpoena (Docket No. 44) is DENIED.
2. Pursuant to District of Utah Civil Rule 1-2, Plaintiffs' counsel must pay the reasonable expenses, including attorneys fees, incurred by Rubbermaid, Inc. to oppose the motion to quash.
3. On or before January 23, 2009, Rubbermaid, Inc. shall file an affidavit that sets forth the reasonable expenses it incurred to oppose the motion to quash, along with supporting information that justifies the expenses. Any opposition to the Affidavit shall be limited to the reasonableness of

the amount being sought by Rubbermaid, Inc. and shall be filed on or before February 6, 2009.

DATED this 8th day of January, 2009.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Clark Waddoups", written over a horizontal line.

Clark Waddoups
United States District Judge

KATHRYN COLLARD, #0697
THE LAW FIRM OF KATHRYN COLLARD, L.C.
4265 South 1400 East, Suite A
Salt Lake City, UT 84124
Tel: (801) 277-2277

MACON COWLES, #6790 (Colorado)
MACON COWLES & ASSOCIATES, P.C.
1680 Wilson Court
Boulder, Colorado 80304
Tel: (303) 447-3062

Attorneys for Plaintiffs

FILED
U.S. DISTRICT COURT

2009 JAN -8 A 9:05

DISTRICT CLERK

BY: DEBORA L. WALKER

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

ABBY TISCARENO and GUILLERMO
TISCARENO,

Plaintiffs,

v.

LORI FRASIER, in her individual capacity;
MARION WALKER, in his individual
capacity; WILLIAM BEERMAN, in his
individual capacity; RICHARD ANDERSON,
in his individual and official capacity;
INTERMOUNTAIN HEALTH CARE, in its
individual capacity; JOHN and JANE
DOES 1-20, in their individual capacities,

Defendants.

**ORDER GRANTING
PLAINTIFFS' EX PARTE
MOTION FOR ORDER
ENLARGING TIME FOR
FILING OF PLAINTIFFS'
MEMORANDUM IN
OPPOSITION TO DEFENDANT
ANDERSON'S MOTION TO
DISMISS PLAINTIFFS' FIRST
AMENDED COMPLAINT**

Case No. 2:07-cv-336

Judge Clark Waddoups

Magistrate Judge Samuel Alba

Based upon the Plaintiffs' Ex Parte Motion For Order Enlarging Time For Filing of Plaintiffs' Memorandum In Opposition To Defendant Anderson's Motion To Dismiss Plaintiffs' First Amended Complaint previously filed herein and good cause appearing,

IT IS HEREBY ORDERED:

1. Plaintiffs' Ex Parte Motion For Order Enlarging Time For Filing of Plaintiffs' Memorandum In Opposition To Defendant Anderson's Motion To Dismiss Plaintiffs' First Amended Complaint is granted and Plaintiffs may have until and including January 21, 2009, in which to file this Memorandum.

DATED this 7th day of January 2009.

BY THE COURT:


CLARK WADDOUPS
United States District Judge

LAUREN I. SCHOLNICK (Bar No. 7776)
KATHRYN HARSTAD (Bar No. 11012)
STRINDBERG & SCHOLNICK, LLC
785 North 400 West
Salt Lake City, UT 84103
lauren@utahjobjustice.com
kass@utahjobjustice.com
Telephone: 801-359-4169
Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

**ANA AGUILAR, GUADALUPE
CERVANTES, MARIA DELVALLE,
MARINA GOMEZ, GLORIA
GUEVARA, BERTILA DIAZ and
OTHERS,**

Plaintiffs,

vs.

**SCHIFF NUTRITION
INTERNATIONAL, INC. (fka Weider
Nutrition Group, Inc.),**

Defendant.

**SCHEDULING ORDER AND ORDER
VACATING HEARING**

Case No. 2:07-CV-504
Judge Clark Waddoups

Pursuant to Fed.R. Civ P. 16(b), the Magistrate Judge¹ received the Attorneys' Planning Report filed by counsel (docket #51). The following matters are scheduled. The times and deadlines set forth herein may not be modified without the approval of the Court and on a showing of good cause.

IT IS ORDERED that the Initial Pretrial Hearing set for *February 4, 2009* is VACATED.

****ALL TIMES 4:30 PM UNLESS INDICATED****

- | | | |
|-----------|--|---|
| 1. | PRELIMINARY MATTERS | <u>DATE</u> |
| | Nature of claim(s) and any affirmative defenses: | |
| a. | Was Rule 26(f)(1) Conference held? | <u>12/11/08</u> |
| b. | Has Attorney Planning Meeting Form been submitted? | <u>12/16/08</u> |
| c. | Was 26(a)(1) initial disclosure completed? | <u>Due by</u>
<u>01/30/09</u> |
|
 | | |
| 2. | DISCOVERY LIMITATIONS | <u>NUMBER</u> |
| a. | Maximum Number of Depositions by Plaintiff(s) | <u>20</u> |
| b. | Maximum Number of Depositions by Defendant(s) | <u>20</u> |
| c. | Maximum Number of Hours for Each Deposition
(unless extended by agreement of parties) | <u>7</u> |
| d. | Maximum Interrogatories by any Party to any Party | <u>15 to Each</u>
<u>Plaintiff</u>
<u>and 30 to</u>
<u>Defendant</u> |
| e. | Maximum requests for admissions by any Party to any Party | <u>Unlimited</u> |
| f. | Maximum requests for production by any Party to any Party | <u>Unlimited</u> |

		<u>DATE</u>
3.	AMENDMENT OF PLEADINGS/ADDING PARTIES²	
a.	Last Day to File Motion to Amend Pleadings	
	Plaintiffs	<u>05/15/09</u>
	Defendants	<u>06/15/09</u>
b.	Last Day to File Motion to Add Parties	
	Plaintiffs	<u>05/15/09</u>
	Defendants	<u>06/15/09</u>
4.	RULE 26(a)(2) REPORTS FROM EXPERTS³	
a.	Plaintiff (or party bearing the burden of proof)	<u>15 Days</u> <u>After</u> <u>Court's</u> <u>Ruling on</u> <u>Summary</u> <u>Judgment</u>
b.	Counter reports	<u>45 Days</u> <u>Thereafter</u>
5.	OTHER DEADLINES	
a.	Discovery to be completed by:	
	Fact discovery	<u>09/25/09</u>
	Expert discovery	<u>30 Days</u> <u>After</u> <u>counter-</u> <u>report</u>

- | | | |
|----|---|-----------------|
| b. | (<i>optional</i>) Final date for supplementation of disclosures and discovery under Rule 26 (e) | <u>00/00/00</u> |
| c. | Deadline for filing dispositive or potentially dispositive motions | <u>10/30/09</u> |

6. SETTLEMENT/ ALTERNATIVE DISPUTE RESOLUTION

- | | | |
|----|---------------------------------------|--------------------|
| a. | Referral to Court-Annexed Mediation | <u>No</u> |
| b. | Referral to Court-Annexed Arbitration | <u>No</u> |
| c. | Evaluate case for Settlement/ADR on | <u>09/25/09</u> |
| d. | Settlement probability: | <u>Poor</u> |

7. TRIAL AND PREPARATION FOR TRIAL:

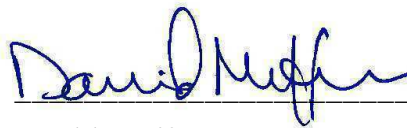
- | | | | |
|----|---|---------------|----------------------------------|
| a. | Rule 26(a)(3) Pretrial Disclosures ⁴ | | |
| | Plaintiff | | 02/05/10 |
| | Defendant | | 02/19/10 |
| b. | Objections to Rule 26(a)(3) Disclosures
(if different than 14 days provided in Rule) | | |
| | | | <u>DATE</u> |
| c. | Special Attorney Conference ⁵ on or before | | 03/05/10 |
| d. | Settlement Conference ⁶ on or before | | 03/05/10 |
| e. | Final Pretrial Conference | 2:30 p.m. | 03/22/10 |
| f. | Trial | <u>Length</u> | <u>Time</u> <u>Date</u> |
| | i. Bench Trial | <u>8 days</u> | <u>8:30 a.m.</u> <u>04/05/10</u> |
| | ii. Jury Trial | | |

8. OTHER MATTERS:

Counsel should contact chambers staff of the District Judge regarding Daubert and Markman motions to determine the desired process for filing and hearing of such motions. All such motions, including Motions in Limine should be filed well in advance of the Final Pre Trial. Unless otherwise directed by the court, any challenge to the qualifications of an expert or the reliability of expert testimony under Daubert must be raised by written motion before the final pre-trial conference.

DATED this 8th day of January, 2009.

BY THE COURT

A handwritten signature in blue ink, appearing to read "David Nuffer", is written over a horizontal line.

David Nuffer

United States District Court

Approved as to form:

s/ Matthew Durham

(signed with permission by Lauren Scholnick)

Matthew M. Durham

Stoel Rives, LLP

Attorneys for Defendant

1. The Magistrate Judge completed Initial Pretrial Scheduling under DUCivR 16-1(b) and DUCivR 72-2(a)(5). The name of the Magistrate Judge who completed this order should NOT appear on the caption of future pleadings, unless the case is separately referred to that Magistrate Judge. A separate order may refer this case to a Magistrate Judge under DUCivR 72-2 (b) and 28 USC 636 (b)(1)(A) or DUCivR 72-2 (c) and 28 USC 636 (b)(1)(B). The name of any Magistrate Judge to whom the matter is referred under DUCivR 72-2 (b) or (c) should appear on the caption as required under DUCivR10-1(a).

2. Counsel must still comply with the requirements of Fed. R. Civ. P. 15(a).

3. A party shall disclose the identity of each testifying expert and the subject of each such expert's testimony at least 60 days before the deadline for expert reports from that party. This disclosure shall be made even if the testifying expert is an employee from whom a report is not required.

4. Any demonstrative exhibits or animations must be disclosed and exchanged with the 26(a)(3) disclosures.

5. The Special Attorneys Conference does not involve the Court. Counsel will agree on voir dire questions, jury instructions, a pre-trial order and discuss the presentation of the case. Witnesses will be scheduled to avoid gaps and disruptions. Exhibits will be marked in a way that does not result in duplication of documents. Any special equipment or courtroom arrangement requirements will be included in the pre-trial order.

6. The Settlement Conference does not involve the Court unless a separate order is entered. Counsel must ensure that a person or representative with full settlement authority or otherwise authorized to make decisions regarding settlement is available in person or by telephone during the Settlement Conference.

2. Counsel must still comply with the requirements of Fed. R. Civ. P. 15(a).

3. A party shall disclose the identity of each testifying expert and the subject of each such expert's testimony at least 60 days before the deadline for expert reports from that party. This disclosure shall be made even if the testifying expert is an employee from whom a report is not required.

4. Any demonstrative exhibits or animations must be disclosed and exchanged with the 26(a)(3) disclosures.

5. The Special Attorneys Conference does not involve the Court. Counsel will agree on voir dire questions, jury instructions, a pre-trial order and discuss the presentation of the case. Witnesses will be scheduled to avoid gaps and disruptions. Exhibits will be marked in a way that does not result in duplication of documents. Any special equipment or courtroom arrangement requirements will be included in the pre-trial order.

6. The Settlement Conference does not involve the Court unless a separate order is entered. Counsel must ensure that a person or representative with full settlement authority or otherwise authorized to make decisions regarding settlement is available in person or by telephone during the Settlement Conference.

S:\IPT\2009\Aguilar v. Schiff Nutrition International 207cv504CW 0107 tb.wpd

Brian S. King, Esq.
Utah Bar No. 4610
336 South 300 East, Suite 200
Salt Lake City, Utah 84111
Off: (801) 532-1739
Fax: (801) 532-1936
brian@briansking.com

FILED
U.S. DISTRICT COURT
RECEIVED
2009 JAN -7 P 2:46
DISTRICT OF UTAH
BY: JUDGE TENA CAMPBELL
JEREMY BLEKA

Adam P. Segal, Esq.
Nevada Bar No. 6120
BROWNSTEIN HYATT FARBER SCHRECK, LLP
100 City Parkway, Suite 1600
Las Vegas, Nevada 89106
Telephone: (702) 382-2101
Facsimile: (702) 382-8135
asegal@bhfs.com
Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH – CENTRAL DIVISION

TRUSTEES OF THE UTAH CARPENTERS' AND CEMENT MASONS' PENSION TRUST, v. NEW STAR/CULP, L.C., Plaintiffs, Defendant.	CASE NO. 2:07-cv-00699-TC ORDER GRANTING LEAVE TO FILE SUR-REPLY IN RESPONSE TO NEW STAR/CULP, L.C.'S REPLY MEMORANDUM OF AUTHORITIES IN SUPPORT OF ITS MOTION FOR LEAVE TO FILE A COUNTERCLAIM
---	---

The Court having considered Plaintiffs Motion for Leave to File Document - Sur-Reply in Response to New Star/Culp, L.C.'s Reply Memorandum of Authorities in Support its Motion for Leave to File Counterclaim and good cause appearing therefore;

IT IS HEREBY ORDERED that the Motion is GRANTED.

Dated this 7 day of Jan 2009.


United States District Court Judge Tena Campbell

FILED
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT

2009 JAN -8 P 4:39

DISTRICT OF UTAH, CENTRAL DIVISION

DISTRICT OF UTAH

BY:
DEPUTY CLERK

WILDEARTH GUARDIANS, et al.,

Plaintiffs,

v.

UNITED STATES FISH AND WILDLIFE
SERVICE,

Defendant.

**ORDER GRANTING DEFENDANT'S
MOTION FOR LEAVE TO FILE
SURREPLY BRIEF ON THE MERITS**

Case No. 2:07-cv-00837 CW

Judge Clark Waddoups

This matter is before the Court on Defendant's Motion for Leave to File Surreply Brief on the Merits. For good cause shown, Defendant's Motion is GRANTED. Defendant is hereby provided leave to file the Surreply Brief submitted with its motion. Defendant shall file the Surreply Brief within five (5) days of the date of this order. When the Surreply Brief is filed, it shall be deemed filed as of the date of this Order.

DATED this 8th day of January, 2009.

BY THE COURT:



Clark Waddoups
United States District Judge

RECEIVED

STEVEN B. KILLPACK, Federal Defender (#1808)
ROBERT K. HUNT, Assistant Federal Defender (#5722)
UTAH FEDERAL DEFENDER OFFICE
Attorney for Defendant
46 West Broadway, Suite 110
Salt Lake City, Utah 84101
Telephone: (801) 524-4010
Facsimile: (801) 524-4060

FILED JAN 9 2009
U.S. DISTRICT COURT OF
JUDGE TENA CAMPBELL
2009 JAN -8 A 10:50
DISTRICT OF UTAH
BY: _____
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. JORDAN URRY, Defendant.	ORDER EXTENDING SELF SURRENDER DATE Case No. 2:08-CR-258 TC
---	---

Based on the motion to extend self surrender date filed by defendant in the above-entitled case, and good cause appearing,

IT IS HEREBY ORDERED that Mr. Jordan Urry's date for self surrender is extended from Thursday, January 8, 2009 at noon to Thursday, February 12, 2009 at noon.

All other orders which the Court imposed at sentencing shall remain as previously ordered.

DATED this 7 day of January, 2009.


HONORABLE TENA CAMPBELL
United States District Court Chief Judge

FILED
U.S. DISTRICT COURT
2009 JAN 7 A 10:28
DISTRICT OF UTAH
BY: TENA CAMPBELL
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DEVIN JOE PORTER,

Defendant.

CASE: 2:08CR00298-TC

FINAL ORDER OF FORFEITURE

JUDGE: TENA CAMPBELL

WHEREAS, on August 27, 2008, this Court entered a Preliminary Order of Forfeiture, ordering the Defendant to forfeit the following assets:

- Smith & Wesson .38 Caliber Handgun, Serial Number: K674867

WHEREAS, the United States caused notice of the forfeiture of the Defendant property to appear on the government website www.forfeiture.gov for a period of 30 consecutive days, starting on October 9, 2008 and caused notice of the intent of the United States to dispose of the property in accordance with the law and as specified in the Preliminary Order, and further notifying all third parties of their right to petition the Court within thirty (30) days for a hearing to adjudicate the validity of their alleged legal interest in the property; and

WHEREAS, notice was served upon Devin Joe Porter; and

WHEREAS, no timely petition has been filed; and

WHEREAS, the Court finds that Defendant(s) had an interest in the property that is subject

to forfeiture pursuant to 18 U.S.C. § 924(d)(1);

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that

- Smith & Wesson .38 Caliber Handgun, Serial Number: K674867

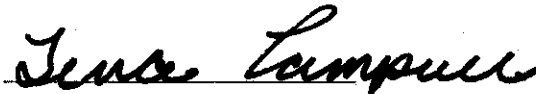
is hereby forfeited to the United States of America pursuant to 18 U.S.C. § 924(d)(1).

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all right, title and interest to the property described above is hereby condemned, forfeited and vested in the United States of America, and shall be disposed of according to law.

IT IS FURTHER ORDERED that the United States District Court shall retain jurisdiction in the case for the purpose of enforcing this Order.

SO ORDERED; Dated this 6 day of January, 2008.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Tena Campbell", is written over a horizontal line.

TENA CAMPBELL, Judge
United States District Court

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

FILED
U.S. DISTRICT COURT
2009 JAN -8 A 9:05

UNITED STATES OF AMERICA,
Plaintiff,
vs.
MATTHEW BATES,
Defendant.

ORDER

BY: *CLYDE*

Case No.: 2:08CR00299 DAK

Judge: CLARK WADDOUPS

This matter is currently set for jury trial to commence on January 13, 2009. Mr. Bates is represented by Steven G. Shapiro and the United States is represented by Karin Fojtik.

IT IS FURTHER ORDERED: because of the complexity of this matter, the ongoing discussions, the need for a psychosexual evaluation, based on the stipulation by Assistant United States Attorney, Karin Fojtik, and based on the motion to continue filed in this matter, the time between January 13, 2009, and the trial date of April 13, 2009, is excluded from the calculation under the Speedy Trial Act in order to grant defense counsel and the government sufficient time to prepare for trial. The Court finds that such a continuance is required for effective preparation for trial taking into account the exercise of due diligence. The court further finds that this additional time outweighs the best interest of the public and the defendant in a speedy trial pursuant to 18 U.S.C § 3161(h)(8)(A).

The Court sets a new Motion Cut-off date of March 13, 2009

The Court sets a new Plea Cut-off date of March 27, 2009.

DATED this 7th day of January, 2009.

BY THE COURT:

A handwritten signature in cursive script, appearing to read "Clark Waddoups", written over a horizontal line.

HON. CLARK WADDOUPS
U.S. DISTRICT COURT JUDGE

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

JAN 07 2009

D. MARK JONES, CLERK
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v.

DENNIS C. WING,
Defendant.


**ORDER TO WITHDRAW PLEA OF
GUILTY**

Case No. 2:08-CR-513 TS

For the reasons set forth in the motion and memorandum of the Defendant, Dennis C. Wing, and with good cause appearing, the Court hereby grants the Defendant's motion to withdraw his guilty plea. The Court will conduct a status conference on January 8, 2009, at 2:30 p.m.

Dated this 7th day of January, 2009.

BY THE COURT:


TED STEWART
United States District Court Judge

BRETT L. TOLMAN, United States Attorney (#8821)
Don Brown, Special Assistant United States Attorney (#0464)
Attorneys for the United States of America
348 East South Temple
Salt Lake City, Utah 84111
Telephone: (801) 524-3083
Facsimile: 801-524-4366

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION


UNITED STATES OF AMERICA,	:	S E A L E D
	:	ORDER
Plaintiff,	:	
vs.	:	Case No. 2:08 CR 570 TS
TIMOTHY BRIAN LINER,	:	Judge Ted Stewart
Defendant.	:	

The Court having reviewed the Ex Parte Motion to Seal document and finding good cause;

NOW THEREFORE, Document number 24 , Position of Government with Respect to Sentencing Factors is ordered sealed.

Respectfully submitted this 7th day of January 2009.

BY THE COURT:



TED STEWART
United States District Judge

United States District Court
for the
District of Utah
January 8, 2009

*****MAILING CERTIFICATE OF THE CLERK*****

RE: USA v. Liner
2:08-cr-00570-TS

Jon D. Williams
JON D WILLIAMS PC
341 S MAIN STE 406
SALT LAKE CITY , UT 84111

Aaron Paskins, Deputy Clerk

FILED
U.S. DISTRICT COURT

2009 JAN -8 A 9:05

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

DISTRICT OF UTAH, CENTRAL DIVISION

BY: CLERK

UNITED STATES OF AMERICA,

CASE: 2:08CR00652

Plaintiff,

PRELIMINARY ORDER OF FORFEITURE

v.

EDWIN RENATO LUGO-PEREZ,

Defendant.

IT IS HEREBY ORDERED that:

1. As a result of a plea of guilty to Count 2 of the Indictment for which the government sought forfeiture pursuant to 18 U.S.C. § 924(d)(1) the defendant Edwin Renato Lugo-Perez shall forfeit to the United States all property, real or personal, that is derived from, used, or intended to be used in violation of 18 U.S.C. § 922(g)(5), including but not limited to:

- North American Arms Derringer Silver Revolver, Serial Number: Obliterated

2. The Court has determined that based on a guilty plea of Possession of Firearms by an Illegal Alien, that the above-named properties is subject to forfeiture, that the defendant had an interest in the properties, and that the government has established the requisite nexus between such properties and such offense.

3. Upon entry of this Order the Attorney General, or its designee is authorized to seize and conduct any discovery proper in identifying, locating, or disposing of the properties subject to forfeiture, in accordance with Fed. R. Crim. P. 32.2(b)(3).

4. Upon entry of this Order the Attorney General or its designee is authorized to commence any applicable proceeding to comply with statutes governing third party interests, including giving notice of this Order.

5. The United States shall publish notice of this Order on its intent to dispose of the property in such a manner as the Attorney General may direct. The United States may also, to the extent practicable, provide written notice to any person known to have an alleged interest in the subject currency and property.

6. Any person, other than the above named defendants, asserting a legal interest in the subject property may, within thirty days of the final publication of notice or receipt of notice, whichever is earlier, petition the Court for a hearing without a jury to adjudicate the validity of his alleged interest in the subject property, and amendment of the order of forfeiture pursuant to 21 U.S.C. § 853.

7. Pursuant to Fed. R. Crim. P. 32.2(b)(3), this Preliminary Order of Forfeiture shall become final as to the defendants at the time of sentencing and shall be made part of the sentence and included in the judgment.

8. Any petition filed by a third party asserting an interest in the subject currency and property shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's acquisition of the right, title, or interest in the subject property, any additional facts supporting the petitioners claim and relief sought.

9. After the disposition of any motion filed under Fed. R. Crim. P. 32.2(c)(1)(A) and before a hearing on the petition, discovery may be conducted in accordance with the Federal

Rules of Criminal Procedure upon a showing that such discovery is necessary or desirable to resolve factual issues.

10. The United States shall have clear title to the subject property following the Court's disposition of all third party interests, or, if none, following the expiration of the period provided in 21 U.S.C. § 853 which is incorporated by 18 U.S.C. § 982(b) for the filing of third party petitions.

11. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

Dated this 7th day of January, 2009.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Charles Martinez", written over a horizontal line.

FILED
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

2009 JAN -7 P 2:29

DISTRICT CLERK

UNITED STATES OF AMERICA,

Plaintiff,

v.

LYLE KILPATRICK,

Defendant.

CASE: 2:08CR00700 DS

DEPUTY CLERK

PRELIMINARY ORDER OF FORFEITURE

JUDGE: DAVID SAM

IT IS HEREBY ORDERED that:

1. As a result of a plea of guilty to Count 3 of the Indictment for which the government sought forfeiture pursuant to 18 U.S.C. § 924(d)(1) the defendant Lyle Kilpatrick shall forfeit to the United States all property, real or personal, that is derived from, used, or intended to be used in violation of 18 U.S.C. § 922(g)(1), including but not limited to:

- .38 Smith & Wesson Handgun, Serial Number:

2. The Court has determined that based on a guilty plea of Felon in Possession of a Firearm, that the above-named properties is subject to forfeiture, that the defendant had an interest in the properties, and that the government has established the requisite nexus between such properties and such offense.

3. Upon entry of this Order the Attorney General, or its designee is authorized to seize and conduct any discovery proper in identifying, locating, or disposing of the properties subject to forfeiture, in accordance with Fed. R. Crim. P. 32.2(b)(3).

4. Upon entry of this Order the Attorney General or its designee is authorized to commence any applicable proceeding to comply with statutes governing third party interests, including giving notice of this Order.

5. The United States shall publish notice of this Order on its intent to dispose of the property in such a manner as the Attorney General may direct. The United States may also, to the extent practicable, provide written notice to any person known to have an alleged interest in the subject currency and property.

6. Any person, other than the above named defendants, asserting a legal interest in the subject property may, within thirty days of the final publication of notice or receipt of notice, whichever is earlier, petition the Court for a hearing without a jury to adjudicate the validity of his alleged interest in the subject property, and amendment of the order of forfeiture pursuant to 21 U.S.C. § 853.

7. Pursuant to Fed. R. Crim. P. 32.2(b)(3), this Preliminary Order of Forfeiture shall become final as to the defendants at the time of sentencing and shall be made part of the sentence and included in the judgment.

8. Any petition filed by a third party asserting an interest in the subject currency and property shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's acquisition of the right, title, or interest in the subject property, any additional facts supporting the petitioners claim and relief sought.

9. After the disposition of any motion filed under Fed. R. Crim. P. 32.2(c)(1)(A) and before a hearing on the petition, discovery may be conducted in accordance with the Federal Rules of Criminal Procedure upon a showing that such discovery is necessary or desirable to


resolve factual issues.

10. The United States shall have clear title to the subject property following the Court's disposition of all third party interests, or, if none, following the expiration of the period provided in 21 U.S.C. § 853 which is incorporated by 18 U.S.C. § 982(b) for the filing of third party petitions.

11. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

Dated this 7th day of January, 2009.

BY THE COURT:



DAVID SAM, Judge
United States District Court

EARL XAIZ, #3572
YENGICH, RICH & XAIZ
Attorneys for Defendant
175 East 400 South, Suite 400
Salt Lake City, Utah 84111
Telephone: (801) 355-0320
Fax: (801) 364-6026
Email: *xaiz@qwestoffice.net*

**IN THE UNITED STATES DISTRICT COURT, CENTRAL DIVISION
DISTRICT OF UTAH**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JEFFREY BUHLER,

Defendant.

**ORDER OF CONTINUANCE
18 U.S.C. § 3161(h)(8)(A)**

Case No. 2:08-CR-00721TS

Honorable Ted Stewart

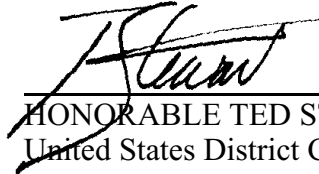
The Court, based on motion of counsel, hereby orders that the jury trial in this matter be continued. The Court specifically finds that the ends of justice served by continuing this matter outweigh the best interest of the public and the defendant in a speedy trial. In addition, the Court hereby determines that the period of delay caused by a continuance is excludable in computing the time within which the trial in this matter must commence pursuant to 18 U.S.C. § 3161.

The Order of Continuance, which is based on the specific factor delineated in 18 U.S.C. § 3161(h)(8)(B)(iv), is ordered because failure to grant a continuance in this case would deny the defendant and his counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Since defense counsel requests additional time for the

Defendant to complete a psychological evaluation, the Court finds that due diligence has been exercised in this matter by all parties.

Therefore, it is hereby ordered that the trial in this matter, currently set to begin on the 22nd day of January, 2009, be continued and that a new trial be set to commence on the 27th day of May, 2009, at the hour of 8:30 a.m.

SIGNED BY MY HAND this 8th day of January, 2009.



HONORABLE TED STEWART
United States District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Order of Continuance 18 U.S.C. § 3161(h)(8)(A) was filed electronically and caused to be served by electronic notice to all parties listed below on this _____ day of January, 2009.

Matthew L. Bell
United States Attorney's Office
20 N. Main St. Ste 208
St. George, Utah 84770

Earl Xaiz
Yengich, Rich & Xaiz
175 E. 400 S., Ste 400
Salt Lake City, Utah 84111

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

UNITED STATES DISTRICT COURT

CENTRAL DIVISION

District of

UNITED STATES OF AMERICA

V.

ISRAEL REYNA-FLORES

JUDGMENT IN A CRIMINAL CASE

JAN 08 2009
D. MARK JONES, CLERK
DEPUTY CLERK

Case Number: DUTX208C4000726-001

USM Number: 15863-081

Spencer Rice
Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) 1 of the Indictment

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
8 U.S.C. § 1326	Reentry of a Previously Removed Alien		1

The defendant is sentenced as provided in pages 2 through 10 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____

☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

1/5/2009

Date of Imposition of Judgment

Signature of Judge

The Honorable Ted Stewart

U. S. District Judge

Name of Judge

Title of Judge

1/7/2009

Date

DEFENDANT: ISRAEL REYNA-FLORES
CASE NUMBER: DUTX208C4000726-001

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

16 months

☒ The court makes the following recommendations to the Bureau of Prisons:

Incarceration in AZ to facilitate family visitation

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____
☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____
☐ as notified by the United States Marshal.
☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: ISRAEL REYNA-FLORES
CASE NUMBER: DUTX208C4000726-001

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

36 months

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: ISRAEL REYNA-FLORES
CASE NUMBER: DUTX208C4000726-001

SPECIAL CONDITIONS OF SUPERVISION

The defendant shall not re-enter the United States illegally. In the event that the defendant should be released from confinement without being deported, he shall contact the United States Probation Office in the district of release within 72 hours of release. If the defendant returns to the United States during the period of supervision after being deported, he is instructed to contact the United States Probation Office in the District of Utah within 72 hours of arrival in the United States.

DEFENDANT: ISRAEL REYNA-FLORES
CASE NUMBER: DUTX208C4000726-001

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$	\$

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
----------------------	--------------------	----------------------------	-------------------------------

TOTALS	\$ <u> 0.00 </u>	\$ <u> 0.00 </u>
---------------	------------------------------------	------------------------------------

☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: ISRAEL REYNA-FLORES
CASE NUMBER: DUTX208C4000726-001

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
☐ not later than _____, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Pages 7 - 10

are the

Statement of Reasons,
which will be docketed
separately as a sealed
document

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

JAN 07 2009

BY D. MARK JONES, CLERK
DEPUTY CLERK

SNOW, CHRISTENSEN & MARTINEAU
John R. Lund (Utah State Bar No. 4368)
Kara L. Pettit (Utah State Bar No. 8659)
10 Exchange Place, Eleventh Floor
P.O. Box 45000
Salt Lake City, Utah 84145-5000
Telephone: 801-521-9000
Email: intake@scmlaw.com

PAUL, WEISS, RIFKIND, WHARTON & GARRISON, LLP
Daniel J. Beller (NY State Bar No. 1643741)
Daniel J. Leffell (NY State Bar No. 1883776)
Roberta A. Kaplan (NY State Bar No. 2507093)
1285 Avenue of the Americas
New York, NY 10019
Telephone: 212-373-3000
Email: dbeller@paulweiss.com

Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

**WOLF MOUNTAIN RESORTS, L.C., a
Utah limited liability company,**

Plaintiff,

v.

**ASC UTAH, INC., a Maine corporation,
and AMERICAN SKIING COMPANY, a
Delaware corporation,**

Defendants.

**ORDER PERMITTING
WITHDRAWAL OF COUNSEL**

TS
Case No. 2:08cv00191 ~~EW~~

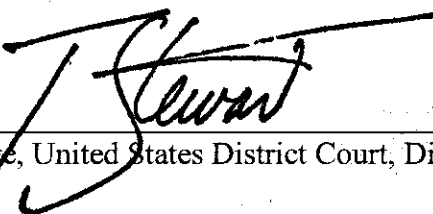
Ted Stewart
Judge ~~Clark Waddoups~~

BASED UPON the Ex-Parte Motion for Order Permitting Withdrawal of Counsel and for
good cause shown,

IT IS HEREBY ORDERED that Daniel J. Beller, Daniel J. Leffell, and Roberta A. Kaplan of Paul, Weiss, Rifkind, Wharton & Garrison, LLP, are permitted to withdraw as counsel for Defendants ASC Utah, Inc. and American Skiing Company

DATED this 7th day of January, ²⁰⁰⁹~~2008~~.

BY THE COURT:



Judge, United States District Court, District of Utah

996916.doc

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 4th day of January, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

Michael W. Homer
Jesse C. Trentadue
Brian D. Bolinder
Noah M. Hoagland
Suttter Axland
8 E Broadway #200
PO Box 510506
Salt Lake City, UT 84151-0506

Bruce C. Moore
Scott J. Mahady
Moore & Associates
96 E Broadway #7
Eugene, OR 97401

And on that same day I served, via email:

Victoria C. Fitlow
591 Summit Drive
Park City, UT 84098


/s/ Jean Layton
Legal Assistant

996916.doc

BRETT L. TOLMAN, United States Attorney (#8821)
RICHARD W. DAYNES, Assistant United States Attorney (#5686)
Attorneys for the United States of America
185 South State Street, Suite 300, Salt Lake City, Utah 84111
Telephone: (801) 524-5682 • Fax (801) 325-3310

U.S. DISTRICT COURT
SALT LAKE CITY

2009 JAN -7 P 10:50

BY: 

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

PANASONIC 58" PLASMA TELEVISION,
MODEL: TH58PX60U, SERIAL NUMBER:
LG63180236, et al.

Defendants.

CASE NO. 2:08CV00202 DB

ENTRY OF DEFAULT

JUDGE: DEE BENSON

It appearing from plaintiff's Application for Default and the records and files in this matter that no person or entity including Victor Duran, Rosalio Cruz-Rea, Juan Hernandez, Leydio Gonzalez, Frank Smith, Juan Cota, Andres Cruz, Ana Gonzalez, Juan Gabriel Renteria, Manuel Moreno-Cruz, Timothy Morris, Banco Popular North America, Accredited Home Lenders, Security National Mortgage, Recontrust Company, Mortgage Electronic Registration Systems, Inc., Washington Mutual Bank, and Franklin Credit Management has filed a claim, answer, or other responsive pleading as provided in Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Federal Rules of Civil Procedure, and 18 U.S.C. § 983.

DEFAULT IS HEREBY ENTERED against all persons and entities including Victor Duran, Rosalio Cruz-Rea, Juan Hernandez, Leydio Gonzalez, Frank Smith, Juan Cota, Andres Cruz, Ana Gonzalez, Juan Gabriel Renteria, Manuel Moreno-Cruz, Timothy Morris, Banco Popular North America, Accredited Home Lenders, Security National Mortgage, Recontrust Company, Mortgage Electronic Registration Systems, Inc., Washington Mutual Bank, and Franklin Credit Management.

DATED this 7th day of January, 2009.

Clerk of the Court

D. MARK JONES

By: 
DEPUTY CLERK

RECEIVED

JAN 07 2008

OFFICE OF U.S. DISTRICT JUDGE
BRUCE S. JENKINS

FILED
U.S. DISTRICT COURT

2009 JAN -7 P 2:29

DISTRICT OF UTAH

BY: _____
DEPUTY CLERK

Brian C Johnson, #3936
Jacob C. Briem, #10463
William B. Ingram, #10803
STRONG & HANNI
3 Triad Center, Suite 500
Salt Lake City, Utah 84180
Telephone: (801) 532-7080
Facsimile: (801) 596-1508

Attorneys for Plaintiff/Consolidated Defendants Mona Vie, Inc. and MonaVie, LLC

**IN THE UNITED STATES DISTRICT COURT,
IN AND FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

MONAVIE, LLC,

Plaintiff,

v.

AMWAY CORP.,

Defendant.

AMWAY CORP.,

Consolidated Plaintiff,

v.

MONA VIE, INC., MONAVIE, LLC, JOHN
BRIGHAM HART, LITA HART, JASON
LYONS, CARRIE PALMIERI, LOU NILES,
FARID ZARIF, and JOHN DOES 1-10,

Consolidated Defendants.

**ORDER FOR ADMISSION
PRO HAC VICE**

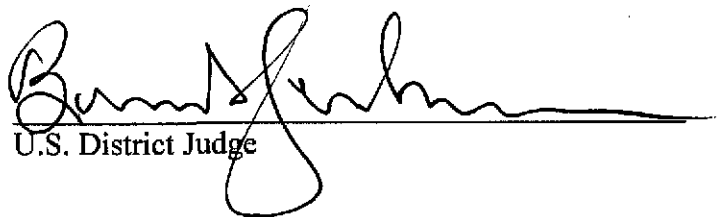
Case No. 2:08-cv-204

Judge Bruce S. Jenkins

[Consolidated with
Case No. 2:08-cv-209 DB]

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of DUCiv R 83-1.1(d), the motion for the admission pro hac vice of James L. Colvin, Esq. in the United States District Court, District of Utah in the subject case is GRANTED and this Court further GRANTS Mr. Colvin leave to sign all papers and pleadings and to appear with or without the presence of local counsel in the proceedings in the above captioned case.

DATED: this 7th day of January, 2009.


U.S. District Judge

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JAN 07 2003

OFFICE OF U.S. DISTRICT JUDGE
BRUCE S. JENKINS

FILED
U.S. DISTRICT COURT

2009 JAN -7 P 2:29

DISTRICT OF UTAH

BY: _____
DEPUTY CLERK

GARY E. DOCTORMAN (0895)
J. THOMAS BECKETT (5587)
JOHN P. BALL (9666)
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One Utah Center
201 South Main Street, Suite 1800
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Telephone: (801) 532-1234
Facsimile: (801) 536-6111
gdoctorman@parsonsbehle.com
tbeckett@parsonsbehle.com
jball@parsonsbehle.com
Attorneys for Plaintiff BankFirst

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION**

BANKFIRST, a South Dakota State Bank,
Plaintiff,

vs.

JERRY MOYES,
Defendant.

**ORDER GRANTING BANKFIRST'S EX
PARTE MOTION FOR LEAVE TO
FILE OVERLENGTH COMBINED
MEMORANDUM**

Case No. 2:08cv00218

Judge Bruce S. Jenkins

JERRY C. MOYES

Counterclaimant,

vs.

BANKFIRST, a South Dakota State Bank,
Counterdefendant.

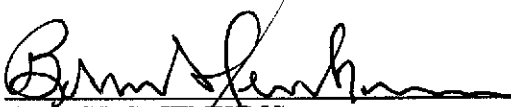
The Court, having reviewed and considered BankFirst's *Ex Parte* Motion for Leave to File an Overlength Combined Memorandum, and after full consideration of said document, and good cause appearing;

The Motion is GRANTED.

It is hereby ORDERED that plaintiff shall have and is hereby granted leave to file its Combined Memorandum in excess of the page limitation contained in the Rules of Practice of the United States District Court for the District of Utah.

DATED this 7TH day of January, 2009.

BY THE COURT:



BRUCE S. JENKINS
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

FILED

2009 JAN -8 A 9:05

DISTRICT CLERK

BY: _____
DEPUTY CLERK

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

MADISON REAL ESTATE GROUP, LLC,
a Wyoming limited liability company,
RICHARD AMES HIGGINS, BRANDON S.
HIGGINS, and ALLAN D. CHRISTENSEN,

Defendants.

vs.

LASALLE BANK NATIONAL
ASSOCIATION, et al.,

Intervenors.

AGREED SCHEDULING ORDER
PROPOSED BY LENDERS AND SEC

Civil Action No. 2:08-cv-00243

Judge Clark Waddoups

Pursuant to the Court's Order dated December 23, 2008, Intervenors, Crown NorthCorp., Inc., Fannie Mae, and Midland Loan Services, Inc. (collectively, the "Lenders") and the SEC submit this proposed Agreed Scheduling Order as follows:

The deadline for completing all discovery regarding (1) the validity of the loan documents and any related documents, which the Lenders claim give them a secured interest in certain properties that are at issue in this dispute; and (2) the value of the properties in which the Lenders are claiming a secured interest is January 31, 2009.

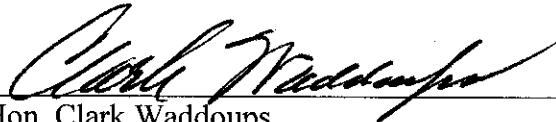
Dispositive motions, including any motions to lift the stay in place in this matter, shall be filed on or before **January 28, 2009**.

Responses to any dispositive motions shall be filed on or before **February 27, 2009**.

Replies to any responses shall be filed on or before **March 9, 2009**.

The Parties requested that an expedited hearing on these motions be set the week of **March 16, 2009**. The hearing is therefore set on March 18, 2009, at 3:30 p.m.

DATED this 7th day of January 2009.


Hon. Clark Waddoups
United States District Judge
District of Utah

AGREED:

/s/ Melissa A. Davis
Rodney Acker, Bar No. 00830700
Melissa A. Davis, Bar No. 00792995

FULBRIGHT & JAWORSKI L.L.P.
2200 Ross Avenue, Suite 2800
Dallas, Texas 75201
Telephone: 214.855.8000
Facsimile: 214.855.8200

Attorneys for Intervenor
Midland Loan Services, Inc.,
as Special Servicer

/s/ Patrick Holden
Arnold Richer, (2751)
Patrick Holden, (6247)

RICHER & OVERHOLT, P.C.
901 West Baxter Drive
South Jordan, Utah 84095
Telephone: 801.561.4750
Facsimile: 801.561.4744

Attorneys for Intevenor
Crown NorthCorp, Inc.

/s/ Walter A. Herring
Walter A. Herring, Bar No. 09535300

BRYAN CAVE LLP
2200 Ross Avenue, Suite 3300
Dallas, Texas 75201
Telephone: 214.721.8000
Facsimile: 214.721.8100

Attorneys for Intervenor
Fannie Mae

/s/ Thomas M. Melton
Karen L. Martinez, (7914)
Thomas M. Melton, (4999)

Securities & Exchange Commission
15 West South Temple, Suite 1800
Salt Lake City, Utah 84101
Telephone: 801.524.5796

Attorneys for Plaintiff
Securities & Exchange Commission

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

JAN 08 2009

BY D. MARK JONES, CLERK
DEPUTY CLERK

PREPARED AND SUBMITTED BY:

James E. Magleby (7247)
magleby@mgpclaw.com
Jason A. McNeill (9711)
mcneill@mgpclaw.com
Christopher M. Von Maack (10468)
vonmaack@mgpclaw.com
MAGLEBY & GREENWOOD, P.C.
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Telephone: 631.979.8001
Facsimile: 631.724.5163

Attorneys for Margery Rubin as Trustee of
Defendant The Rubin Family Irrevocable Stock Trust

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

ACE INVESTORS, LLC,

Plaintiff,

v.

**MARGERY RUBIN, AS TRUSTEE OF
THE RUBIN FAMILY IRREVOCABLE
STOCK TRUST,**

Defendant.

**ORDER GRANTING STIPULATED
MOTION FOR EXTENSION OF TIME**

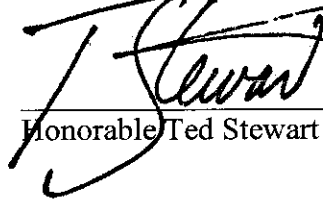
Civil No. 2:08-cv-289 TS

Honorable Ted Stewart

Based on the stipulation of the parties and good cause appearing IT IS HEREBY
ORDERED that Margery Rubin, as Trustee of Defendant The Rubin Family Irrevocable Stock
Trust (the "Trust" or "Defendant") may have an extension of time through and including January
23, 2009, in which to file its Reply Memorandum in Support of Defendant's Motion for Leave to
File Amended Answer, Third-Party Complaint, and Demand for Jury Trial.

DATED this 8th day of January 2009.

UNITED STATES DISTRICT COURT

A handwritten signature in black ink, appearing to read "T. Stewart", is written over a horizontal line.

Honorable Ted Stewart

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JAN 01 2008

OFFICE OF U.S. DISTRICT JUDGE
BRUCE S. JENKINS

FILED
U.S. DISTRICT COURT

2009 JAN -6 P 2:35

DISTRICT OF UTAH

BY: _____
DEPUTY CLERK

SCOTT A. HAGEN (4840)
LIESEL B. STEVENS (10431)
RAY QUINNEY & NEBEKER P.C.
36 South State Street, Suite 1400
Salt Lake City, Utah 84111
Telephone No.: (801) 532-1500

Attorneys for Defendants Newspaper Agency Co. and NAC, Inc.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

CORNELL WOODS, an individual,

Plaintiff,

v.

NEWSPAPER AGENCY CO., LLC, a Utah
Corporation, and NAC, INC., a Utah
Corporation,

Defendants.

**ORDER EXTENDING
SCHEDULING DEADLINES**

Civil No. 2:08cv00314

Judge Bruce S. Jenkins

Based on the parties' stipulation to extend the scheduling deadlines in this case, and good cause appearing therefor,

IT IS HEREBY ORDERED that the deadline for completing discovery and the deadline for filing dispositive motions shall be extended as follows:

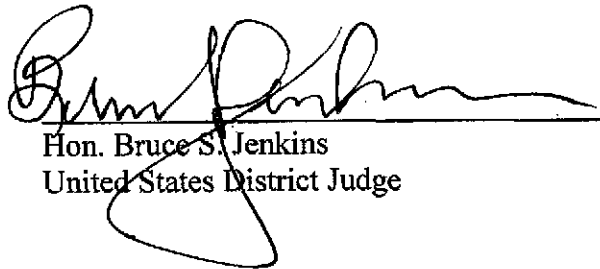
(a) The discovery deadline shall be extended from December 31, 2008 until March 13, 2009, and

(b) The deadline for filing dispositive motions shall be extended from January 15, 2009 until March 31, 2009.

IT IS FURTHER ORDERED that the final pretrial, now scheduled for March 6, 2009, shall be extended until May 29, 2009, at 9:30 a.m. The proposed pretrial order will be due to ~~chambers~~ ^{7th} no later than May 27, 2009.

DATED this 6th day of January, 2009.

BY THE COURT:



Hon. Bruce S. Jenkins
United States District Judge

1016132


2009 JAN -6 P-5-25

DISPATCH UNIT

BY: ROBERT M. GLENN

Judge Clark Waddoups

Dated: this 6th day of January, 2009.


United States District Judge

FILED
U.S. DISTRICT COURT

IN THE UNITED STATES JUDICIAL DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION
JAN 5 2009

KANE COUNTY, UTAH
a Utah political subdivision,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

DISTRICT CLERK

ORDER

BY:

DEPUTY CLERK

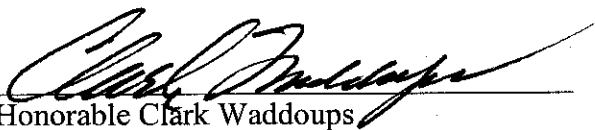
Case No. 2:08-CV-0315 CW

Judge Clark Waddoups

For good cause appearing, IT IS HEREBY ORDERED that Kane County, Utah's Unopposed Motion for Leave to File Overlength Memorandum in Opposition to Southern Utah Wilderness Alliance's Motion to Intervene as Defendants is granted. Defendants may file their overlength Memorandum.

DATED this 6th day of January, 2009
~~December, 2008.~~

BY THE COURT


Honorable Clark Waddoups
District Judge

FILED
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

2009 JAN -6 P 5:25

DISTRICT CLERK

ORDER

DEPUTY CLERK

**GRANTING
PROPOSED INTERVENORS'
UNOPPOSED MOTION
TO EXTEND THE TIME FOR THEM
TO REPLY IN SUPPORT OF THEIR
MOTION TO INTERVENE**

Civil Action No. 2:08-cv-0315 CW

Honorable Clark Waddoups

KANE COUNTY,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant,

SOUTHERN UTAH WILDERNESS
ALLIANCE, et al.,

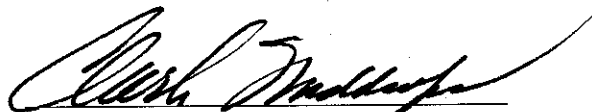
Proposed Intervenor-Defendants

Proposed Intervenor's Unopposed Motion to Extend the Time for Them to Reply in Support of Their Motion to Intervene, filed December 31, 2008, is hereby GRANTED.

Proposed Intervenor Southern Utah Wilderness Alliance et al. shall have until Friday January 23, 2009, to file a reply in support of their Motion to Intervene.

DATED this 6th day of January, 2009.

BY THE COURT:



The Hon. Clark Waddoups
United States District Judge

MARY C. CORPORON #734
CORPORON & WILLIAMS, P.C.
405 South Main Street, Suite 700
Salt Lake City, Utah 84111
Telephone: 801-328-1162
Facsimile: 801-328-9565

Attorney for Plaintiff

United States District Court

DISTRICT OF UTAH, CENTRAL DIVISION

JASON RUNYAN,

Plaintiff,

-vs-

DRUG ENFORCEMENT
ADMINISTRATION, an agency of the
United States; TOOELE COUNTY
SHERIFF; TOOELE COUNTY; TOOELE
CITYCORPORATION; TOOELE CITY
POLICE DEPARTMENT; and, JOHN DOES
1-50,

Defendants.

**ORDER GRANTING MOTION TO
DISMISS AND MOTION FOR RETURN
OF BOND**

Civil No. 2:08-cv-376

Judge Dale A. Kimball

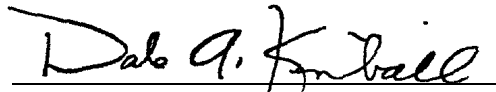
THE COURT having received Plaintiff's Motion to Dismiss Complaint and Jury Demand
and Motion for Return of Bond, for good and sufficient cause appearing therefor, it is hereby:

ORDERED:

The Complaint and Jury Demand filed in the instant case is hereby dismissed without
prejudice. The cost bond in the sum of \$300.00 provided at the outset of this action by the
Plaintiff shall be returned to counsel for Plaintiff, by the clerk of the court.

Dated this 7th day of January, 2009.

BY THE COURT:



HONORABLE DALE A. KIMBALL
United States District Court Judge

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

**THE CINCINNATI INSURANCE
COMPANY, an Ohio corporation,**

Plaintiff,

v.

**LINFORD BROTHERS GLASS
COMPANY, a Utah corporation; et al.,**

Defendant(s).

ORDER

Case No. 2:08-cv-387-TC-PMW

Chief District Judge Tena Campbell

Magistrate Judge Paul M. Warner

This case has been referred to Magistrate Judge Paul M. Warner by Chief District Judge Tena Campbell pursuant to 28 U.S.C. § 636(b)(1)(A).¹ Before the court is The Cincinnati Insurance Company's ("Plaintiff") motion to extend the deadline to amend pleadings and for leave to file an amended complaint.² No party has filed an opposition to the motion, and the deadline for doing so has passed. *See* DUCivR 7-1(b)(4)(B); *see also* Fed. R. Civ. P. 6(a), (d).

For the reasons set forth in the motion and supporting memorandum, and based upon good cause appearing, Plaintiff's motion is **GRANTED**. Plaintiff is hereby provided leave to file the amended complaint submitted with its motion. Plaintiff shall file that amended complaint within ten (10) days of the date of this order.

¹ *See* docket no. 36.

² *See* docket no. 33.

Although the court has granted Plaintiff's motion, the court notes that Plaintiff has not indicated a specific date as part of its request to extend the deadline to amend pleadings. Consequently, the court will not extend that deadline to a specific date. Instead, the court will simply provide Plaintiff with leave to file the amended complaint accompanying its motion beyond the stated deadline to amend pleadings contained in the existing scheduling order. If Plaintiff wishes to extend any of the deadlines in the existing scheduling order, it should file an appropriate motion indicating specific dates for the requested extensions. Until the court either grants a motion to amend the scheduling order or amends the scheduling order on its own, the dates and deadlines in the existing scheduling order will remain in effect.

IT IS SO ORDERED.

DATED this 8th day of January, 2009.

BY THE COURT:

A handwritten signature in cursive script, reading "Paul M. Warner", written in black ink.

PAUL M. WARNER
United States Magistrate Judge

RECEIVED

JAN 08 2008

John P. Ashton (0134)

Clark K. Taylor (5354)

VAN COTT BAGLEY CORNWALL &
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David G. Mangum (4085)

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Steven D. Maslowski (*pro hac appl. to be filed*)

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Telephone: (215) 568-3100

Facsimile: (215) 568-3439

Counsel for Defendant

Dentsply International Inc.

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

CAO GROUP, INC., a Utah corporation,

Plaintiff,

vs.

DENTSPLY INTERNATIONAL INC., a
Delaware corporation,

Defendant.

Case No. 2:08CV00501-PMW

**ORDER GRANTING EXTENSION OF
TIME TO ANSWER OR OTHERWISE
RESPOND TO COMPLAINT**


~~Magistrate Judge Paul M. Warner~~

Upon consideration of the parties' Stipulated Motion for an Extension of Time to Answer or Otherwise Respond to Complaint, and good cause appearing,

IT IS ORDERED that Defendant Dentsply International, Inc., shall have up to and including January 30, 2009, to move, answer, or otherwise respond to Plaintiff's Complaint.

Entered this ^{7th} 8 day of January, 2009.

BY THE COURT:


~~The Honorable Paul M. Warner,~~
~~U.S. Magistrate Judge~~
USDC

Stipulated and Agreed:

VAN COTT BAGLEY CORNWALL & MCCARTHY

/s/ John P. Ashton .
(Signed by Filing Attorney with permission of Plaintiff Attorney)
Attorney for Plaintiff

PARSONS BEHLE & LATIMER

/s/ Juliette P. White .
Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION


DARLENE SCHMIDT,)	
)	
Petitioner,)	Case No. 2:08-CV-544 TS
)	
v.)	District Judge Ted Stewart
)	
SALT LAKE COUNTY JAIL,)	O R D E R D I S M I S S I N G C A S E
)	
Respondent.)	

On October 1, 2008, the Court ordered Petitioner, Darlene Schmidt, to amend her indecipherable habeas petition by completing a court-provided form habeas petition in an organized, concise fashion and returning it to the Court within thirty days. Petitioner has not done so.

IT IS THEREFORE ORDERED that Petitioner's case is dismissed.

DATED this 8th day of January, 2009.

BY THE COURT:



TED STEWART
United States District Judge

2009 JAN -8 A 9:05

DISTRICT OF UTAH

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

BY: DEPUTY CLERK

JB SUMARLIN, et al.

Plaintiffs,

v.

ASSET RECOVERY TRUST, et al.,

Defendants.

**ORDER DENYING AS MOOT MOTION
TO STRIKE**

Case No. 2:08-cv-00579 CW

Judge Clark Waddoups

The matter before the Court is Plaintiffs JB Sumarlin, Titin Sukmawati, and Ms. Hernhawati's Motion to Strike Pro Se Appearance and Motion for Summary Judgment filed by Liberty Lofts, LLC. On December 11, 2008, John L. Golding, manager and registered agent of Liberty Lofts, LLC lodged documents with the Court that included a notice of appearance by Mr. Golding on behalf of Liberty Lofts, LLC and a motion for summary judgment.

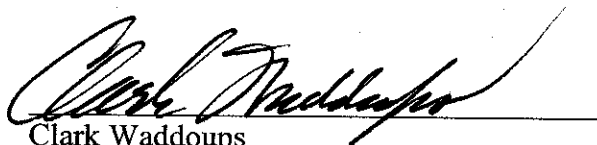
"As a general matter, a corporation or other business entity can only appear in court through an attorney and not through a non-attorney corporate officer appearing pro se."¹ Consequently, Mr. Golding cannot appear pro se or file documents on behalf of Liberty Lofts, LLC. For this reason, the documents were lodged rather than filed with the Court. Because the documents were not filed with the Court, the Court will not consider them. Accordingly, it is hereby

¹ *Harrison v. Wahatoyas*, 253 F.3d 552, 556 (10th Cir. 2001) (citation omitted).

ORDERED that Plaintiffs' Motion to Strike (Dkt. No. 64) is DENIED as moot.

DATED this 7th day of January, 2009.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Clark Waddoups", is written over a horizontal line.

Clark Waddoups
United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

MICHAEL LANDES,

Plaintiff,

v.

**THE LODGE AT SNOWBIRD
OWNERS ASSOCIATION et al.,**

Defendants.

ORDER OF DISMISSAL

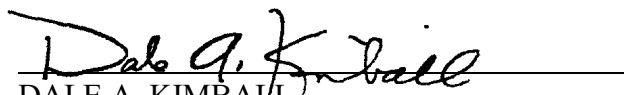
Case No. 2:08CV594 DAK

On December 12, 2008, the court issued an Order to Show Cause why his case should not be dismissed for failure to serve the Complaint within 120 days, pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. Plaintiff was warned that failure to respond within fifteen days would result in dismissal of the case.

Plaintiff has failed to respond to the court's order, and there is no evidence that the Complaint, which was filed on August 8, 2008, has ever been served on Defendants. Thus, Plaintiff's action is DISMISSED without prejudice for failure to serve and failure to prosecute.

DATED this 7th day of January, 2009.

BY THE COURT:


DALE A. KIMBALL
United States District Judge

Mark F. James (5295)
Phillip J. Russell (10445)
Hatch, James & Dodge, P.C.
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prussell@hjdllaw.com

FILED
U.S. DISTRICT COURT

2009 JAN -7 A 11:47

DISTRICT OF UTAH

BY: _____
DEPUTY CLERK

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JAN 17 2009
OFFICE OF
JUDGE TENA CAMPBELL

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Michael D. Fitzgerald (Mo. 20533)
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Attorneys for Defendants Maxam Equipment, Inc. and Mike Hawkins

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTAL DIVISION

SUA, L.C., a Utah limited liability company,

Plaintiff,

v.

MAXAM EQUIPMENT, INC., a Missouri
corporation, and MIKE HAWKINS, an
individual,

Defendants.

**ORDER GRANTING
STIPULATION EXTENDING TIME
FOR DEFENDANTS TO FILE
REPLY MEMORANDUM IN
SUPPORT OF MOTION TO
DISMISS OR, IN THE
ALTERNATIVE, MOTION TO STAY
CASE**

Civil No. 2:08-CV-595

Judge Tena Campbell

Based upon the parties' Stipulation, good cause appearing, the Court

HEREBY ORDERS that Defendants shall have through and including February 2, 2009, to file their Reply Memorandum in Support of Defendants' Motion to Dismiss Or, in the Alternative, Motion to Stay Case.

DATED this 7th day of January, 2009.

BY THE COURT:

A handwritten signature in black ink that reads "Tena Campbell". The signature is written in a cursive, flowing style.

Honorable Tena Campbell
United States District Court Judge

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U.S. DISTRICT COURT

2009 JAN -7 P 2:46

DISTRICT OF UTAH

BY: CLERK

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Mark M. Bettilyon (4798)
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Attorneys for Plaintiff Franklin Covey Co.

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

FRANKLIN COVEY CO., a Utah
corporation,

Plaintiff,

v.

FRANCINE R. GAILLOUR, an individual,
and KI HEALTH, INC., a Washington
corporation,

Defendants.

DEFAULT JUDGMENT AGAINST
DEFENDANTS FRANCINE R. GAILLOUR
AND KI HEALTH, INC.

Civil No. 2:08-CV-695-TC

Pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, and the Motion for Entry of Default Judgment Against Defendants Francine R. Gaillour ("Gaillour") and Ki Health, Inc. ("Ki Health") (collectively "Defendants") filed by Plaintiff Franklin Covey Co. ("Franklin Covey"), and good cause appearing, the Court GRANTS Franklin Covey's motion and finds as follows:

1. Defendants have engaged in trademark infringement in violation of the Lanham Act, 15 U.S.C. §§ 1114, 1125(a), and Utah common law, and have violated the Utah Unfair Competition Act, Utah Code Ann, § 13-5a-101.

2. Defendants' violations of the above statutes and common law were willful and constitute an exceptional case.

3. Defendants' violations of the above statutes and common law have caused irreparable injury to Franklin Covey.

4. Defendants were regularly served with process.

5. Defendants have failed to timely respond to the Complaint in this action and therefore are in default.

6. The Clerk of Court has entered Defendants' default.

ACCORDINGLY, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, in accord with Franklin Covey's Complaint, as follows:

1. Default judgment is entered against Defendants, jointly and severally, for violation of the above statutes and common law, namely trademark infringement in violation of the Lanham Act, 15 U.S.C. §§ 1114, 125(a), trademark infringement in violation of Utah common law, and violation of the Utah Unfair Competition Act, Utah Code Ann. § 13-5a-101.

2. Defendants, their owners, directors, officers, agents, servants, employees and all persons acting in concert or participation with Defendants, or any of them, are permanently enjoined from:

a. Publishing, distributing, marketing, advertising, or promoting their audio program *The 7 Habits of Highly Energized Physicians* and their work titled the *8th Habit*,

and from publishing, distributing, marketing, advertising, or promoting any other product or service incorporating Franklin Covey's trademarks THE 7 HABITS OF HIGHLY EFFECTIVE PEOPLE, THE 7 HABITS OF HIGHLY EFFECTIVE TEENS, THE 7 HABITS OF HIGHLY EFFECTIVE FAMILIES, and/or THE 8TH HABIT, in whole or in part, in any medium whatsoever, including, but not limited to, the internet.

b. Taking any other act or acts calculated or likely to cause confusion or mistake in the mind of the public or to lead consumers into the belief that Defendants' products or services are authorized, sponsored, licensed, endorsed, promoted, or condoned by Franklin Covey or are otherwise affiliated with or connected to Franklin Covey or its products or services.

3. Franklin Covey shall recover from Defendants the reasonable attorney fees and costs it incurred in connection with this action in the amount of \$4368.00 in attorney fees and \$425.80 in costs for a total sum of \$4793.80.

4. The sums awarded to Franklin Covey above, in the total amount of \$4793.80, shall bear interest at the federal post-judgment interest rate until such sum is paid to Franklin Covey in full.

5. It is further ordered that this judgment shall be augmented in the amount of reasonable costs and attorney fees expended in collecting said judgment by execution or otherwise as shall be established by declaration or further order of the Court.

DATED this 7 day of ~~December~~, 2008.⁹

January

BY THE COURT:

Tena Campbell

Hon. Tena Campbell
United States District Judge

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FILED
U.S. DISTRICT COURT

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OFFICE OF U.S. DISTRICT JUDGE
BRUCE S. JENKINS

Shirley K. Nodine (#545250)

Scott D. Marty (#141333)

BALLARD SPAHR ANDREWS & INGERSOLL, LLP

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martys@ballardspahr.com

2009 JAN -7 P 2:29

DISTRICT CLERK

BY: _____
DEPUTY CLERK

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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

THE UNIVERSITY OF UTAH
RESEARCH FOUNDATION,

Plaintiff,

v.

BIOSPACE CO., LTD.; BIOSPACE, INC.;
and KI-CHUL CHA,

Defendants.

~~PROPOSED~~
ORDER GRANTING MOTION FOR
ENLARGEMENT OF TIME FOR
ANSWERING COMPLAINT

CASE NO.: 2:08-CV-00705

Honorable Bruce S. Jenkins

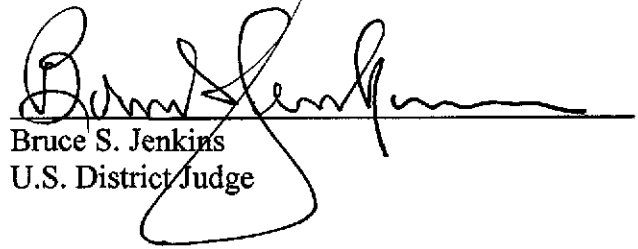
Pursuant to the motion of Plaintiff and the Acceptance of Service executed by
Defendants, it is HEREBY ORDERED:

Defendants have to and including February 17, 2009, in which to file an answer to the

Complaint or motion under Rule 12.

DATED this 7th day of January, 2009.

BY THE COURT:



Bruce S. Jenkins
U.S. District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

WILLIE B. HARRIS,)
)
Petitioner,) Case No. 2:08-CV-729 DB
)
v.) District Judge Dee Benson
)
STEVEN TURLEY,) **O R D E R**
)
Respondent.) Magistrate Judge David Nuffer

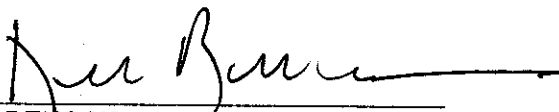
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U.S. DISTRICT COURT
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DISTRICT OF UTAH
BY: DEPUTY CLERK

On October 2, 2008, the Court ordered Petitioner, Willie B. Harris, to amend his confusing habeas petition by completing a court-provided form habeas petition in an organized, concise fashion and returning it to the Court within thirty days. Petitioner has not done so. Indeed, the Court has not heard from Petitioner at all since he filed his initial petition on September 24, 2008.

IT IS THEREFORE ORDERED that Petitioner's case is DISMISSED.

DATED this 8th day of January, 2009.

BY THE COURT:


DEE BENSON
United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

MATTHEW J. SUND,

Plaintiff,

v.

ONYX GRAPHICS et al.,

Defendants.

ORDER OF DISMISSAL

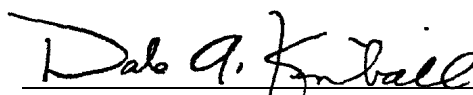
Case No. 2:08CV744 DAK

On December 1, 2008, the Court issued an Order to Show Cause directing Plaintiff to explain why he had failed to obey the Court's Order dated September 30, 2008, which required him to send in "a certified copy of the trust fund account statement . . . for the 6-month period immediately preceding the filing of the complaint . . . obtained from the appropriate [prison] official of each prison." Plaintiff was given thirty days to respond to the Order to Show Cause.

Plaintiff, however, has failed to respond to the Order to Show Cause. Consequently, his action is DISMISSED without prejudice.

DATED this 7th day of January, 2009.

BY THE COURT:



DALE A. KIMBALL

United States District Judge

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH
JAN 08 2009
BY D. MARK JONES, CLERK
DEPUTY CLERK

Terry E. Welch (5819)
Jonathan O. Hafen (6096)
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twelch@parrbrown.com
bjohansen@parrbrown.com

Attorneys for Defendant GMAC Bank

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

RAMSDEN, INC., a Texas corporation,

Plaintiff,

vs.

CMG MORTGAGE SERVICES, INC., a
California corporation, and GMAC BANK, a
Utah corporation,

Defendants.

STIPULATED ORDER REGARDING
EXTENSION OF TIME FOR GMAC BANK
TO RESPOND TO RAMSDEN, INC.'S
COMPLAINT FOR PATENT
INFRINGEMENT


Case No. 2:08-cv-00785-TS

Judge Ted Stewart

Based on the Stipulation of Plaintiff Ramsden, Inc. ("Ramsden") and GMAC Bank ("GMAC") and good cause appearing, GMAC's response to Ramsden's Complaint for Patent Infringement shall be due on or before January 20, 2009.

Dated this 8th day of January, 2009

By the Court



Hon. Ted Stewart

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U.S. DISTRICT COURT

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DIST. CLERK

BY:

CLERK

OFFICE OF

JUDGE TENA CAMPBELL

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Telephone: (801) 521-9000
Fax: (801) 363-0400
Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

UBS BANK USA
Plaintiff,

v.

OM INVESTMENT GROUP LP,
Defendant.

**ORDER GRANTING SIXTH
EXTENSION OF TIME TO FILE
ANSWER**

Case No. 2:08CV00815
Judge: Tena Campbell

Based upon the stipulation of the parties, and for good cause appearing, the Stipulated Joint Fifth Motion to Extend Time to File Answer is granted. Defendants shall answer Plaintiff's Complaint on or before January 16, 2009.

DATED this 7th day of January, 2009.

BY THE COURT:

Tena Campbell

Judge Tena Campbell
US District Court Judge

ELIZABETH S. WHITNEY (5160)
PARSONS BEHLE & LATIMER
Attorneys for Federal National Mortgage
Association
One Utah Center
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Salt Lake City, UT 84111
Telephone: (801) 532-1234
Facsimile: (801) 536-6111

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

JEREMY KEE,

Plaintiff,

vs.

R-G CROWN BANK; FIFTH THIRD
BANK; FEDERAL NATIONAL
MORTGAGE ASSOCIATION; MONA
BURTON; KATHERINE NORMAN
HANSEN; DARREN REID; CRAIG
STEWART; HOLLAND & HART LLP;
DOES 1-100,

Defendants.

ORDER GRANTING
STIPULATED MOTION
FOR EXTENSION OF TIME

Case No. 2:08-cv-837-PMW

Magistrate Judge Paul M. Warner

Based on the Stipulated Motion for Extension of Time entered into by the parties
thereto,¹ and good cause appearing therefor, the motion is GRANTED. Accordingly,

IT IS HEREBY ORDERED that Defendant Federal National Mortgage Association
shall have an extension of time to respond to the Complaint through and including thirty (30)

¹ See docket no. 17.

days from the date of service on Defendant Fifth Third Bank or the execution of an acceptance of service of process on behalf of Defendant Fifth Third Bank in the above-captioned case.

IT IS SO ORDERED.

DATED this 8th day of January, 2009.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Paul M. Warner", is written over a light blue rectangular background. The signature is fluid and cursive.

PAUL M. WARNER
United States Magistrate Judge

Approved as to form and content:

/s/ Brian W. Steffensen

(signed with the permission of Brian W.
Steffensen)

BRIAN W. STEFFENSEN
STEFFENSEN LAW OFFICE
Attorneys for Jeremy Kee

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION**

JEREMY KEE,

Plaintiff,

v.

**R-G CROWN BANK; FIFTH THIRD
BANK; FEDERAL NATIONAL
MORTGAGE ASSOCIATION; MONA
BURTON; KATHERINE NORMAN
HANSEN; DARREN REID; CRAIG
STEWART; HOLLAND & HART LLP;
and DOES 1-100,**

Defendants.

ORDER

Case No. 2:08-cv-837-PMW

Magistrate Judge Paul M. Warner


Based on the stipulation filed between Jeremy Kee (“Plaintiff”) and Holland & Hart, Mona Burton, Katherine Norman Hansen, and Darren Reid (collectively, the “Holland & Hart Defendants”),¹ and good cause appearing therefor,

IT IS HEREBY ORDERED that Plaintiff shall have up to and including January 22, 2009, to file his response to the Holland & Hart Defendants’ motion to dismiss.

IT IS SO ORDERED.

DATED this 8th day of January, 2009.

BY THE COURT:



PAUL M. WARNER
United States Magistrate Judge

¹ See docket no. 14.

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

ERICKA WILLIAMS,	:	Case No. 2:08-cv-853-PMW
Plaintiff,	:	
vs.	:	DEFENDANT'S UNOPPOSED MOTION FOR ENLARGEMENT OF TIME
MICHAEL J. ASTRUE,	:	
Commissioner Of Social Security,	:	Magistrate Judge Paul M. Warner
Defendant.	:	

Based upon Defendant's Unopposed Motion for Enlargement of Time¹ and good cause appearing therefor, the motion is **GRANTED**. Accordingly,

IT IS HEREBY ORDERED that Defendant may have up to and including February 12, 2009, to answer or otherwise respond to Plaintiff's Complaint.

IT IS SO ORDERED.

DATED this 8th day of January, 2009.

BY THE COURT:



PAUL M. WARNER
United States Magistrate Judge

¹ See docket no. 6.

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Mark Morris (USB #4636)
Stewart O. Peay (USB #9584)
SNELL & WILMER
15 West South Temple, Suite 1200
Salt Lake City, Utah 84101
Telephone: (801) 257-1900

DISTRICT OF UTAH OFFICE OF
JUDGE TENA CAMPBELL
BY: _____
DEPUTY CLERK

IN THE UNITED STATES DISTRICT
FOR THE DISTRICT OF UTAH

ACLYS INTERNATIONAL, LLC, a Utah
Limited Liability Corporation,

Plaintiff,

v.

EQUIFAX INC., a Georgia Corporation,

Defendant.

) ORDER GRANTING
) STIPULATED MOTION
) FOR EXTENSION OF TIME

) Case No. 2:08-cv-00954-MG

ATC

Based upon the stipulation of the parties, and for good cause shown, it is hereby
ORDERED that defendant Equifax Inc. may have an extension of time through and including
January 31, 2009 to file an answer to plaintiff's Complaint.

DATED this 7th day of January, 2009.

BY THE COURT

Tena Campbell

Honorable Tena Campbell

UNITED STATES DISTRICT COURT
DISTRICT OF UTAH -- CENTRAL DIVISION

1-800 CONTACTS, INC.

Plaintiff,

v.

MEMORIAL EYE, PA d/b/a
SHIPMYCONTACTS.COM,
SHIP-MY-CONTACTS.COM, and
IWANTCONTACTS.COM

Defendant.

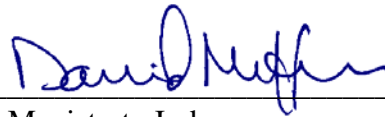
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ORDER FOR PRO HAC VICE ADMISSION

Case No. 2:08-cv-983

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of DUCiv R 83-1.1(d), the motion for the admission pro hac vice of R. Terrance Rader in the United States District Court, District of Utah in the subject case is GRANTED.

Dated: this 7th day of January, 2009.



U.S. Magistrate Judge